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Globalization and interdependence

Role of the United Nations in promoting development in the context of globalization and interdependence

Report of the Secretary-General

Summary

A central challenge for a universal development agenda beyond 2015 will be to ensure that globalization benefits everyone, facilitated by an inclusive multilateral system. The global development landscape has been changing rapidly and will continue to do so. As the opportunities, challenges and risks of globalization are highly interrelated, a new, broader development framework is needed to address them.

The present report was prepared in response to General Assembly resolution 66/210. It analyses the interlinkages between globalization, poverty eradication and sustainable development, using the three dimensions of sustainable development as a framing tool. The report affirms that multilateralism needs to be further strengthened, rather than diffused, to effectively address and manage complex and interlinked challenges.

The United Nations serves as an inclusive forum on development and globalization and could further promote multilateral coordination, coherence and accountability in the post-2015 era. In response to the greater need for, and increasing challenges of, policy coordination and coherence, the proper functioning of the institutional framework for the review and follow-up work in the General Assembly and the Economic and Social Council, including the new High-level Political Forum, will be more important than ever. For the United Nations to strengthen its effectiveness and relevance in the new development environment there is need for a longer-term strategic repositioning of its development system. This would involve rethinking, adjusting and strengthening such areas as functions, funding, capacity, partnerships, organizational arrangements and governance.

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I. Introduction

1. Globalization is a powerful force that has influenced global growth and development. Driven by the mobility of goods, services, capital, labour and technological innovation, it has brought a large array of new opportunities and benefits. Yet globalization also has attendant challenges and risks, manifested by imbalances in the distribution of its benefits and costs, recurrent financial and other crises, as well as environmental degradation and resource depletion. To fully realize the opportunities created by globalization and minimize and manage its costs and risks, the world needs to enhance the effectiveness of multilateralism.

2. In recent years, a range of events has changed the character and trend of globalization, reinforcing the need to redirect the course of development. Current economic, social and environmental challenges have been marked by food, fuel, financial and economic shocks, social upheavals, the growing frequency of natural disasters and associated humanitarian crises, climate change, and the prevalence of conflict and political transition in different regions of the world. In addition, international migration is a growing phenomenon with a distinct impact on globalization.

3. At the same time, a transformation has occurred in economic globalization, resulting in a geoeconomic realignment, where several developing countries have made significant progress in poverty reduction and many have established a stronger economic interdependence with each other. This has helped to sustain recent world economic growth, particularly with respect to the proportion of global growth attributable to middle-income countries.

4. Recent global trends have led to calls for more effective multilateral cooperation to ensure that the consequences of globalization do not threaten peoples' livelihoods or the sustainability of the planet. With the growing complexity and challenges of globalization, it is critical that the United Nations address this phenomenon anew.

5. In this rapidly evolving context, the international community is stepping up efforts to formulate a global development agenda beyond 2015. The initial process has involved consultations with a broad range of stakeholders and a first set of discussions among Member States in the newly established Open Working Group on Sustainable Development Goals. And there is an emerging consensus that the post-2015 agenda should place poverty eradication and sustainable development at its centre.

6. The present report presents an analysis of globalization within the context of current discussions on the emerging post-2015 United Nations development agenda. The report examines recent trends and challenges in globalization and their implications for policymaking in relation to the future post-2015 development agenda. It then analyses the need for managing globalization through strengthened and effective multilateralism, and calls for a renewed global partnership for development as essential to tackling key development challenges. Finally, the report addresses the implications of these demands for the role of the United Nations in supporting national development efforts.

II. Recent globalization trends and challenges and policy implications

7. Globalization is transforming the world, and the global currents of change are deeply interconnected and increasingly complex. This includes the emergence of new centres of economic dynamism, accelerating inequality within and across nations, challenges to existing social contracts and transformational technological advances. These and other trends highlight rapid change in an increasingly challenging environment and will have implications for steering the post-2015 development agenda.

8. At the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, the Heads of State and Government affirmed that poverty eradication is the greatest global challenge facing the world today and an indispensable requirement for sustainable development. They also acknowledged the need to further mainstream sustainable development at all levels, integrating economic, social and environmental aspects and recognizing their interlinkages, so as to achieve sustainable development in all its dimensions.

9. Consistent with this emphasis, the examination of trends and challenges in globalization and their interlinkages with poverty eradication and sustainable development is structured within the framework of the three dimensions of sustainable development.

A. Economic dimensions

10. One of the largest transformations in the global economy is with respect to the proportion of global growth attributable to middle-income countries. During the period from 1991 to 1995, some 75 per cent of total global growth originated in high-income countries. Between 2006 and 2010, as developed countries suffered from the financial crisis and the Great Recession, some 90 per cent of global growth was attributable to middle-income countries (A/67/93-E/2012/79, para. 21).

11. Since 2000, Brazil, the Russian Federation, India and China (the BRIC countries) and emerging market economies as a whole have had higher yearly growth rates than the United States of America and the Group of Seven countries (see figure I). As a result, 2013 is projected to be the first year in which emerging markets collectively account, in purchasing power terms, for more than half of world gross domestic product (GDP)[1] (see figure II). This rise of middle-income countries is reshaping the world geoeconomic landscape, contributing to a rethinking of international development cooperation outside the traditional North-South paradigm in such areas as development aid, trade, public sector investment and private sector capital flows.

[1] See www.imf.org/external/np/pp/eng/2013/060513.pdf.

Figure I
GDP, percentage change on previous year

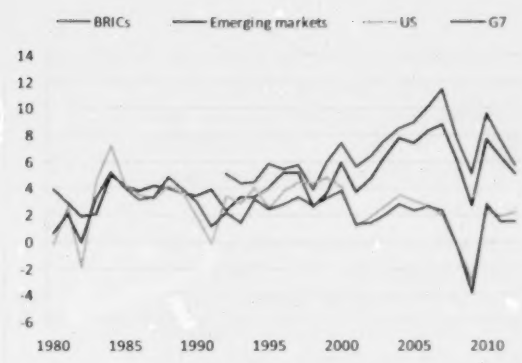
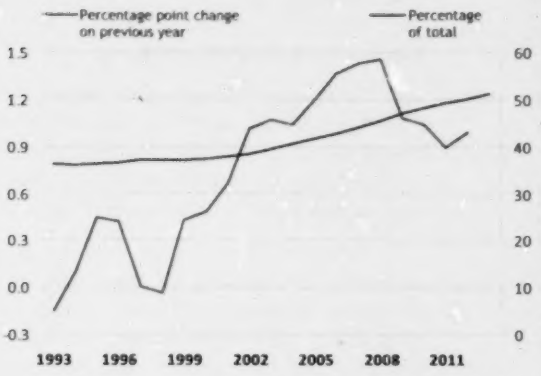


Figure II
Emerging markets' share of global output



Source: International Monetary Fund, World Economic Outlook Database, April 2013.

12. The continued internationalization of production processes, the increased integration in trade, capital flows and movement of labour and the spread of new technologies are also driving a global economic transformation. These trends reflect the further expansion and integration of markets, resulting in an increasingly globalized and interdependent world economy. The 2013 *Human Development Report* underscores the correlation between the increasing integration of the world economy and human development. Virtually all countries that registered high gains in the Human Development Index had relatively high and increasing shares of trade to economic output and traded with a large number of partners.

13. The fast pace of globalization in recent years has been based upon rapid developments in science and technology, including information and communications technologies, which have contributed significantly to the increased use of international production chains. The worldwide spread of such technologies has massively expanded opportunities for the creation, transmission and dissemination of information, which has had a growing significance in most productive activities and their marketization.

14. Yet, not all recent economic trends have been positive. The global employment situation remains a key policy challenge in a large number of economies. Since the 2008 financial crisis, an additional 30 million people have been added to the ranks of the unemployed and nearly 40 million more have stopped looking for work. At the same time, the world's workforce is growing at around 40 million per year. As a result, to keep pace with the growth of the world's labour force, some 470 million new jobs will be needed over the 15-year period from 2016 to 2030.[2] When the new United Nations development agenda is launched in 2015, addressing the global jobs gap should be a top priority. Particular efforts are needed to ensure the employment of younger workers and women.

[2] See ILO concept note #2 for the post-2015 development agenda, 20 May 2013.

15. Globalization of the financial sector is another influential dimension of economic globalization. However, as demonstrated by numerous financial crises over the past decades, this also poses continued risks in terms of financial instability and volatility.

Implications for policymaking

16. Economic globalization has advantages — it can provide development opportunities as well as spread advanced technologies, foreign capital and management experience. Yet, it also poses challenges, particularly with regard to policy coherence and coordination, sharing benefits more equitably and minimizing exposure to external stresses or shocks.

17. Better management of macroeconomic policies and the financial sector are key elements for minimizing the costs and risks of globalization. The realities of economic, financial and trade interdependence would also require stronger policy consistency and coordination, as well as partnerships and institutional capacity-building across countries and regions to build resilience against shocks. The multilateral trade and finance architectures also need to be reassessed to ensure greater coherence and to be able to more effectively support and enable implementation of a future post-2015 development agenda.

18. Economic growth strategies should give immediate priority to dealing with the global employment crisis through generating employment and supporting productive activities to achieve full employment and create decent work. While economic growth is necessary, it is not sufficient for employment generation. Therefore, employment objectives need to be integrated into macroeconomic frameworks, national development plans and poverty reduction strategies.

19. Policies to manage economic globalization should also reflect the challenges of interdependence and the lessons learned. Among these lessons is that an approach is required that aligns the imperatives of global macroeconomic and financial stability within a broader, universal development agenda. Another lesson is that virtually all cases of large-scale human development have been marked by high average rates of economic growth, sustained over a generation. The open global economy, entrenched in the multilateral trading system, has also played a multifaceted role as a driver of growth and source of ideas, technology, know-how and capital.

20. Ensuring the successful conclusion of the Doha Round or an early agreement on some of its components remains a high priority and would contribute to enhancing growth that is both equitable and inclusive. The Round's current stalemate may have a negative impact on the ability of the multilateral trading system to continue to shape globalization as a force for equitable and inclusive economic growth. Countries must collectively work towards bringing the Round to a successful and expeditious conclusion, or at the very least find common ground on some areas. The Ninth Ministerial Conference of the World Trade Organization to be held in Bali, Indonesia, in December 2013, presents the next opportunity.

21. A leading objective of the post-2015 development agenda must be to target countries that have been left on the margins. This would entail enhancing the international enabling environment for countries to achieve sustainable growth, including through increased and diversified trade and economic output.

22. The United Nations should play a larger and stronger role in addressing the challenges and managing the process of economic globalization. While economic globalization has grown rapidly, the establishment of an international regulatory system has not kept apace. There also remains a vacuum in global economic coordination and in global and regional mechanisms for managing globalization.

B. Social dimensions

23. The number of the world's poor living on less than $1.25 a day decreased from 1.9 billion in 1990 to 1.3 billion in 2008. Many developing countries have seen poverty decline, but in absolute terms the reduction has been overwhelmingly concentrated in China. In spite of decreasing poverty rates in sub-Saharan Africa, the absolute number of poor people increased in the region. At the same time, the majority of the world's poor people, or some three quarters, live in middle-income countries.

24. Conflict is the greatest obstacle to development. At least one fifth of humanity lives in countries experiencing violence, political conflict, insecurity and societal fragility. Many conflict-affected countries appear to be also mired in a trap of repeated cycles of conflict and violence. Countries that experienced violent conflict in the past have a high chance of experiencing a recurrence. About 40 per cent of countries coming out of violence relapse within 10 years, and 90 per cent of countries ravaged by civil war in the twenty-first century had also experienced a civil war in the preceding 30 years.[3] A broad approach to development will be required to integrate such countries into the global development framework. This is a key challenge for the post-2015 era.

25. The strong desire for increased political participation and enhanced economic opportunities has been heard loudest in the countries experiencing the Arab Spring. This reflects an increasing bottom-up demand for good governance across the world. Rising inequalities and struggles over scarce resources are among the drivers of conflict, insecurity and violence, which in turn hold back human development and efforts to achieve sustainable development. Inequalities — economic, political, cultural, gender and those related to security, justice and access to social services — can heighten group grievances and lead to conflict in diverse contexts.

26. Inequalities in access to land and other productive assets, as well as in social outcomes and service access, also remain widespread. In developing countries, inequalities in access to nutritious food, safe drinking water, improved sanitation, basic education and learning outcomes are much worse for low-income and rural families, while child death rates and stunting are two to four times higher between the lowest and highest wealth quintiles. Gender inequalities persist, as shown in wage earnings differentials, access to positions of decision-making and HIV infection rates. In too many contexts, equal access to justice and political participation is not guaranteed in practice.

27. With respect to inequalities between countries, a number of developing countries, mostly in Asia, have narrowed the gap in living standards vis-à-vis

[3] Paul Collier, *Wars, Guns, and Votes: Democracy in Dangerous Places* (New York, HarperCollins, 2009), and World Bank, *World Development Report 2011: Conflict, Security, and Development* (Washington, D.C., 2011).

developed countries. Yet others, especially some in Africa, have fallen further behind. Strong economic growth in many emerging economies and slower growth in Organization for Economic Cooperation and Development (OECD) countries have produced some convergence in living standards. Inequalities remain large, however, or have widened in other dimensions such as access to various social services. The divergence between least developed countries, landlocked developing countries and small island developing States and other developing countries has increased on average and is expected to grow further.[4]

28. Diverse population dynamics have the potential to further exacerbate inequalities, both within developing and developed countries, as well as globally. With approximately 214 million international migrants and an estimated 740 million internal migrants today, there are about 1 billion persons living outside their place of origin. Movements of people can be associated with multiple factors, including the search for better education and employment, or flight from poverty, conflict, hunger, inequalities, natural disasters and environmental degradation. Moreover, increased urbanization and changing demographics, such as rising population ageing in some countries and a youth bulge in others, will place additional stresses on national infrastructures and public finance, as well as health, caregiving and education systems.

29. Large inequalities also remain regarding access to information and communications technologies and social media. According to the 2012 International Telecommunication Union/Information and Communications Technology Indicator database, there continues to be a significant digital divide: while there were 2.3 billion Internet users globally at the end of 2011, only a quarter of the inhabitants in the developing world were online. The Internet and mobile communications technologies are important tools for development and are utilized in multiple sectors, including health and education. E-learning and telemedicine are becoming available to more people, and mobile technologies are empowering millions of women and youth.

30. Organized crime, human trafficking and drugs, and some aspects of cybercrime, are also becoming more globalized. Such crimes have internationalized at a faster pace than law enforcement and governance. Development must be based upon security participation and empowerment in order to succeed, bolstered by well-functioning institutions.

Implications for policymaking

31. The post-2015 United Nations development agenda should maintain the focus on eradicating poverty. Due consideration also needs to be given to the strong interlinkages between social development, economic development, environmental sustainability, and peace and security.

32. Additionally, placing the reduction of inequalities and their causes on the post-2015 compass would better align the post-2015 framework with the original concept of the Millennium Declaration and would hold Governments accountable for fostering inclusive development. Addressing structural and underlying causes of poverty and inequality would also imply measures for transformational change, such as placing greater emphasis on inclusive and equitable growth, the creation of decent work, and tools to assess, monitor and manage the impact of policies on economic,

[4] See www.un.org/en/development/desa/policy/untaskteam_undf/group_e.pdf.

social and cultural rights. For example, global mechanisms could be established to monitor the effects of a broad set of policies and strategies to reduce negative social impacts and enhance positive outcomes, thereby strengthening governance. It is no coincidence that the countries furthest behind on the Millennium Development Goals are often those where governance is weakest, including conflict and post-conflict countries, and where the rule of law is most difficult to apply.

33. Policies are needed to address the challenges and social impacts arising from migration, urbanization and demographic change. For example, global policies are needed that take into account that many migrants continue to work and live in insecure, precarious and dangerous conditions, often marginalized and subject to discrimination and without access to social and health-care services.

34. Accountability and transparency are key components of addressing inequalities. The use of information and communications technologies and social media may assist in raising public awareness about social development issues, empowering people with information to better monitor implementation and performance.

35. Science, technology and innovation have a cross-cutting role to play, including in bridging the digital divide. For the development framework after 2015, they can play a supporting role in advancing growth, environment, food security, health and a variety of other policies. The engagement of the private sector, civil society and other stakeholders in setting targets and in monitoring performance will be critical.

C. Environmental dimensions

36. Globally, the growth of population, income, energy and resources use, waste and pollution has come at the cost of environmental degradation and an unprecedented depletion of natural resources. Almost half of the Earth's forests are gone, groundwater sources and fish stocks are being rapidly depleted, and land degradation and ocean acidification are worsening. Biodiversity has been enormously reduced, and carbon dioxide emissions increased by 40 per cent between 1990 and 2008, to reach dangerous climate-destabilizing concentrations of close to 30 billion tons a year.[5]

37. Some 1.4 billion people lack access to modern energy services, hampering their ability to overcome poverty. The incidence of natural disasters, which destroy livelihoods and may wipe out years of infrastructure investment, has increased. Studies show that deforestation, soil erosion, degradation of natural coastlines and poor infrastructure have increased the likelihood that weather shocks will cause human disasters, especially for the poorest and most vulnerable in the least developed countries, landlocked developing countries and small island developing States.[5]

Implications for policymaking

38. Nowhere is the need for international cooperation more pressing than in environmental protection and addressing climate change. Damage to the environment respects no borders, and environmental policies cannot be fully effective in isolation. Investment on adaptation and mitigation are necessary to tackle the increased frequency and intensity of natural hazards associated with

[5] www.un.org/en/development/desa/policy/untaskteam_undf/untt_report.pdf.

climate change and to prevent natural disasters. Global coordination is necessary to enhance the effectiveness of national policies for environmental protection, greening the economy and addressing climate change. Coordination can also reduce the fear of a competitive disadvantage to those countries that move first or furthest to change their environmental policies or of the likelihood of "green" protectionism imposed against countries that have not yet done so.

39. Immediate priorities in preserving environmental sustainability include ensuring a stable climate, stopping ocean acidification, preventing land degradation and unsustainable water use, sustainably managing natural resources and protecting biodiversity and other natural resources.

40. Improved scientific understanding and knowledge-sharing are necessary for effective policymaking for sustainable development. The successful integration of sustainable development into public policy will require an improved and effective science-policy interface, where policymaking is informed by the findings of scientists, experts and academia.

41. Additionally, education for sustainable development provides the values, skills and knowledge needed to promote new attitudes towards the environment, including sustainable consumption and production patterns.

D. The challenge of achieving a balanced integration

42. The interconnectedness of the economic, social and environmental dimensions of sustainable development was reaffirmed at the United Nations Conference on Sustainable Development, which also emphasized the importance of achieving their balanced integration. In the context of globalization, major challenges in the pursuit of poverty eradication and sustainable development include securing adequate policy space for countries, ensuring clarity on the implications of available policy options and choices, and enhancing understanding of how to best coordinate policy actions to achieve a balanced integration across the three dimensions.

43. Achieving such a balanced integration requires effective policy coordination. For example, balancing the objectives of economic growth, job creation and natural resources use entails the promotion of inclusive and equitable growth and the effective use of natural resources to enhance investments that generate employment and generate growth in an environmentally sustainable manner.

44. At the global level, policy differentiation across different countries and areas can produce inconsistency and incoherence. Yet, at the same time, countries that are parties to numerous international agreements face more constraints on their ability to pursue independent policy actions. It appears paradoxical that the deeper countries insert themselves into the global economy through international trade and finance, the further they would diminish their policy options — particularly for developing countries that are newcomers to globalization. It would therefore be necessary to allow for an approach to policy coherence that takes into account different levels of development. This implies a need for flexibility to allow for specific national considerations and contexts.

45. Clarity on the implications of available policy options and an understanding of how to best coordinate policy actions to integrate the three dimensions of sustainable development require an improved science-policy interface, where

policymaking for sustainable development is informed by the findings of scientists and experts. This interface must occur through multilateral dialogue at the global and regional levels, and multi-stakeholder engagement at the national level.

46. One example of progress in the science-policy interface in the environmental field is evidenced by the link between scientific assessment bodies and policymaking organs, such as the Intergovernmental Platform on Biodiversity and Ecosystem Services. However, more needs to be done to strengthen research and science for sustainable development in its three dimensions and establish a systematic and effective science-policy interface.

III. Managing globalization through strengthened and effective multilateralism

47. The past two decades witnessed the intensification of global challenges as international decision-making on collective action has either been protracted or has run into stalemate. Lack of effective governance in resources use and consumption has resulted in the world growing in an unsustainable manner. Inequalities have been rising both within and among countries across the world. Growing vulnerabilities have meant an increased frequency of crises and of countries that remain in crisis and transition situations. These illustrate the changing demands for managing globalization.

Primacy of national development strategies

48. National governments have the central role and responsibility for national development. They decide on national targets, taxes, policies, plans and regulations that will translate the vision and goals of the future post-2015 development agenda into reality. They have a role in every sector and level — from negotiating international trade or environmental agreements to creating an enabling environment for business and setting environmental standards at home.

49. It is essential to ensure that national development strategies and action plans integrate the overarching principles established at the global level. They are also the vehicle for involving civil society, private philanthropic foundations, the private sector and local governments in the process of development. They can also address systemic issues related to globalization at the national level, such as monetary policy, financial regulation and persistent imbalances and inconsistencies among trading, financial and monetary policies.

50. Clear commitments are needed to ensure the integration of all dimensions of sustainable development in national strategies. While steps have been taken in that direction, much more widely shared efforts will be required to ensure effective implementation. With the post-2015 development agenda reinforcing the need to implement comprehensive national development strategies, the need to mobilize all parts of the United Nations system with capacities to support country development efforts has also become more urgent and compelling.

Multilateral responses

51. The distinct yet deeply interconnected challenges of globalization have generated increased demands for a more effective multilateral dialogue and

management of globalization to minimize its negative aspects while sharing its benefits more equitably. The outcomes of major United Nations summits and conferences, such as "The future we want", underscore the multidimensional and cross-sectoral nature of today's global issues.

52. Yet, the policies, rules and institutions established are mostly national, while global mechanisms are strongly compartmentalized. The multilateral trade, finance and environmental architectures, for instance, lack coherence across many dimensions. International institutions differ in constituencies and the distribution of voice and power among their respective memberships; democratic deficits exist in some of them, especially among the international financial institutions.

53. Prevailing gaps of international frameworks have spurred countries to seek regional solutions, including regional trade agreements, regional mechanisms of financial cooperation and informal arrangements on issues relating to migration. These arrangements are important in responding to region-specific development needs, but they require coordination to avoid policy fragmentation and incoherence with multilateral regimes and international standards.

54. The sharp increases in trade and capital flows make global economic institutions increasingly relevant for managing globalization. Gaps in the international trade, finance and technology regimes, however, have often reinforced rather than curbed global imbalances. For example, bilateral, regional and multilateral trade agreements may result in limiting the policy space for developing countries and pose hurdles to technology transfers, while financial market liberalization policies have increased their macroeconomic vulnerability without necessarily providing access to stable finance. Achieving a more enabling and inclusive system of global economic institutions will therefore be critical to overcoming these shortcomings and to assuring sustainable development.

55. Gaps in global frameworks also make further progress in social development more difficult. These include the absence of adequate mechanisms to regulate the movement of workers between countries, weak protection of the rights of migrants and their families, as well as restricted access to technologies in health, agriculture and other areas. Regulatory frameworks have also not kept pace with increasingly globalized crime, including drug trafficking, human trafficking, money-laundering, trafficking in firearms, counterfeit goods, wildlife and cultural property, and some aspects of cybercrime.

56. Environmental sustainability, the third dimension of sustainable development, is similarly characterized by weak global environmental institutions that remain fragmented. There have been some successes, such as the Brundtland Commission and the 1992 Earth Summit in Rio de Janeiro, Brazil, which spurred environmental awareness and action in specific areas, such as the Montreal Protocol on Substances that Deplete the Ozone Layer. The recent establishment of the High-level Political Forum and the United Nations Environment Assembly, resulting directly from the United Nations Conference on Sustainable Development Summit, harbour much promise for significant improvements in policy coherence and coordination of actions. However, some gaps remain and coherence across the three sustainable development dimensions must be further strengthened.

57. There are many intergovernmental frameworks and international organizations within which global issues are debated and policies formulated and implemented. In

many respects, however, these institutions tend to operate in "policy silos", and there exists no effective mechanism for ensuring the integration of their work across the development agenda and across institutional mandates — a major "structural gap". Moreover, many lack effective mechanisms to encourage or monitor compliance — an "implementation gap". In an interdependent world, more coherent, transparent and representative global institutions are critical for managing globalization and achieving sustainable development in all its dimensions.

58. Within the United Nations system, current multidimensional responses do not always fit well into the traditional specialized structures, which are often sector-focused, of the many entities that comprise the whole. Decision-making also often runs through vertical lines, rendering integration and coherence in programme delivery more difficult. This calls for enhanced coordination, cooperation, coherence and policymaking across the United Nations normative and operational work, discussed further in section V of the present report.

59. In addition, efforts should also continue to further enhance the representation of developing countries in multilateral institutions and other norm- and standard-setting bodies. Many developing countries remain marginalized from global decision-making processes, such as within the Bretton Woods institutions or the Group of 20, which therefore lack true representativeness and accountability. More engagement and coordination is also needed between the United Nations, country groupings like the Group of 20, regional institutions and other established multilateral institutions.

The global commons

60. The global commons represents a specific aspect of the global environmental dialogue. The global commons have been traditionally defined as global resources that fall outside national jurisdictions and to which all nations have access. International law identifies four global commons, namely the high seas, the atmosphere, Antarctica and outer space. Resources of interest or value to the welfare of the community of nations, such as tropical rainforests and biodiversity, have lately been included among the traditional set of global commons, while some define the global commons even more broadly, to include science, education, information and peace.

61. In the past, access to most of the resources found within the global commons has been difficult. Yet, the advancement of science and technology in recent years and the increased demand for resources are leading to an increase in activities such as bioprospecting, scientific research and the laying of submarine cables. At the same time, the planet is facing critical environmental challenges, most importantly stemming from climate change, the depletion of the ozone layer, and rapid environmental degradation in Antarctica. If "business as usual" prevails, these trends will likely worsen and will negatively impact the global commons' capacity to provide ecosystem services for human well-being.

62. An enhanced global dialogue, under the leadership of the United Nations, could ensure that the global commons will be preserved for future generations. To achieve coherence, three major aspects of the three dimensions of sustainable development — sustainable economic growth, social inclusion and protection of the environment, including the global commons — would need to be integrated at the global level.

IV. A renewed global partnership for addressing globalization challenges

63. The development landscape has been changing quickly and will continue to do so. A renewed global partnership for development should ensure that development cooperation strategies and programmes are flexible enough to respond to changes in partner countries. It must be based on the principles of solidarity, equality, national ownership and self-determination, mutual respect and global responsibility. A renewed global partnership for development must be an attractive tool for engagement of all partners and mobilize the political will necessary to support implementation of the post-2015 development agenda and ensure that globalization becomes a positive force for all.

64. At the turn of the century, the United Nations Millennium Declaration (General Assembly resolution 55/2) forged a global consensus on a shared vision for development. The internationally agreed development goals, known as the United Nations development agenda, summarized major commitments of the United Nations conferences and summits held since the 1990s on various aspects of development. The eight Millennium Development Goals are an integral part of this agenda.

65. Member States also resolved in the Declaration "to create an environment — at the national and global levels alike — which is conducive to development and to the elimination of poverty". As suggested in the "Road map towards the implementation of the United Nations Millennium Declaration" (A/56/326), Goal 8 on developing a global partnership for development includes indicators and targets related to aid, trade, debt relief and increased access to essential medicines and new technologies. In 2002, the Millennium Declaration was complemented in important ways by the Monterrey Consensus of the International Conference on Financing for Development and the Johannesburg Plan of Implementation adopted at the World Summit on Sustainable Development.

66. The internationally agreed development goals remain the guidepost for international development efforts. Yet, the international environment for pursuing them has changed dramatically since 2000, and not only in terms of the composition of development finance. As the global economy continues to recover from the economic and financial crisis, a multipolar development landscape is emerging. The private sector, philanthropic organizations, civil society and local governments are playing an increasing role in development cooperation. At the same time, the incidence of poverty remains widespread, inequalities are rising and sustainable development challenges have become even more pressing.

67. The early deliberations on a post-2015 United Nations development agenda have emphasized the need for an expanded and truly global agenda — for action by both developing and developed countries — with shared yet differentiated responsibilities for development actors, broadly defined. This would have implications for how the global partnership for development would need to evolve in order to provide effective support for the implementation of the future post-2015 development agenda.

68. Building on the current global partnership for development, a renewed partnership could galvanize political support to create an enabling environment for development, attract broad participation of different stakeholders and ensure systematic monitoring and accountability. It could serve as a vehicle to mobilize

financial and other resources to support implementation of the post-2015 development agenda, develop capacity and promote technology transfer and knowledge-sharing. It could also facilitate efforts to address systemic issues, foster greater policy coherence between aid and non-aid policies, focus attention on enablers of development cooperation and reduce inequalities.

A renewed global partnership in practice

69. To make globalization a positive force for all, multilateralism needs to be further strengthened, rather than diffused. This would involve the creation of a global enabling environment for engagement of all stakeholders. Legal and regulatory frameworks need to be in place to define the rules of engagement. Synergies between development partners at different levels and in different forums need to be further explored. Capacity-building of all sectors to work together should be established.

70. Despite intensified efforts to accelerate progress towards the Millennium Development Goals, official development assistance (ODA) declined for the third year in a row in 2012 and is increasingly dwarfed by other sources of finance. Progress on other commitments encapsulated in Millennium Development Goal 8 looks equally sombre. This needs to be addressed and reversed.

71. As new areas and actors emerge in the global partnerships, achieving coherence among the variety of actors has become increasingly challenging. Recent estimates suggest that there are now 126 bilateral OECD Development Assistance Committee (DAC) agencies, 23 non-DAC providers and 263 multilateral aid agencies. The proliferation of development cooperation actors and forms has led to increased development activities and aid-related transactions, making the monitoring and administration of development assistance more complex and costly, particularly for countries with limited administrative capacities. Since 2007, the average value of DAC ODA per project has registered a sharp decline. In parallel, the number of projects has steadily increased, leading to considerable administrative costs.

72. The present global partnership for development has also fallen short in terms of its ability to promote policy coherence between aid and non-aid policies and to address global systemic issues, particularly the coherence and consistency of the international, monetary, financial and trading systems in support of development, which are critical for the creation of an enabling international environment. To optimize the emergence of new actors and approaches, a renewed global partnership for development would need to place greater and more effective focus on both areas.

73. The success of a post-2015 United Nations development agenda will hinge upon its effective implementation. This will require the efficacious monitoring and accountability of the agenda as a whole; a renewed global partnership for development that would underpin the agenda; and global and country-level multi-stakeholder partnerships that would support implementation in specific areas or sectors.

V. Impiications for the role of the United Nations

74. The United Nations normative and operational work is also changing. Four features of the global environment are particularly relevant: the emergence of new

centres of economic dynamism, the intensification of global challenges, the transformation of the relationships among development partners, and the growth of new institutional actors. These changes need to be considered in the light of their likely impact on the United Nations and its role in guiding the responses to, and management of, globalization.

Emergence of new centres of economic dynamism

75. As discussed in section II above, a transformation has occurred with respect to the proportion of global growth attributable to middle-income countries. The implications for the United Nations are several. One is the need to promote and ensure greater policy space and autonomy for developing countries to define and implement their development policies and to share their results and experiences. The role and nature of ODA is also changing as a result of the different development experiences of middle-income countries. However, the existence of absolute poverty in middle-income countries suggests a continuing need for development assistance, with emphasis on United Nations deliverables, such as policy advice, targeting and support to national policy dialogue. At the same time, the least developed countries continue to rely on ODA and development assistance. Flows from all sources remain of vital importance. For them, and the increasing number of countries in crisis and transition situations, United Nations support remains essential.

Intensification of global challenges

76. The United Nations has a leadership role in fostering collective responses to today's complex global challenges. The future articulation of the post-2015 development agenda would effectively create a global framework within which to pursue and manage globalization. Growing interdependence requires all stakeholders to take up global responsibilities based on their capabilities. Responding effectively to the challenges of sustainable development requires greater support to the integration of sustainable development into development work. Redressing rising inequality also requires a rethinking and realignment of development assistance. The need to break down the policy silos within which development and humanitarian assistance, peacebuilding and human rights are pursued has important implications for the definition of functions, funding, staffing and, ultimately, the overarching governance arrangements of the United Nations development system.

Changing relationship among development partners

77. There is an increased role for civil society, foundations and the private sector in development efforts, and a need therefore to find additional ways to hold them accountable. With their multitude of approaches to supporting development, they often wish to engage selectively with an issues-based approach. Corporate social responsibility would need stronger monitoring with a code of conduct for private sector engagement. In this diverse environment, there is a need for genuine partnerships, building synergies and bringing out the complementarities among partners at all levels. This also puts a premium on a more dynamic and multi-stakeholder framework for development cooperation. A number of United Nations entities are being challenged to innovate ways to integrate new partners into their activities.

New institutional actors

78. The past decade has seen the emergence of a broad array of new institutional actors. These include new multilateral forums such as the Group of 20 and its recent rise to the summit level. There has also been a rapid growth of regional bodies and regional alliances. These bodies, such as the European Union, the Asia-Pacific Economic Cooperation, the Community of Latin American and Caribbean States (CELAC) and the African Union, have all become significant actors in a wide range of countries. The United Nations is now frequently consulting or partnering with those organizations. Such partnerships potentially enhance the competencies and extend the reach of the United Nations. A large number of dynamic networks have also emerged in recent years in areas such as food security, Energy for All and the Every Woman Every Child initiatives. Such institutional cooperation and networks have transformed the practice of partnership.

Strengthening the effectiveness of the United Nations

79. To make globalization a positive force for all, multilateralism needs to be further strengthened, rather than diffused. In order to enable a fully integrated consideration of United Nations mandates, it is important to move from ad hoc cooperation towards systematic and institutionalized interaction in support of the global development agenda beyond 2015 between the principal intergovernmental bodies, namely, the General Assembly, the Economic and Social Council and the Peacebuilding Commission. Joint agenda setting, sustained interactions, more frequent collaborative work and exchanges could achieve this.

80. In managing globalization, unified implementation and review will be critical for the successful integration of sustainable development into a unified global development framework. Thus, the efficient and effective functioning of the institutional framework for the review and follow-up work in the General Assembly and the Economic and Social Council, including the High-level Political Forum, will be imperative. This also includes the work of the related subsidiary bodies of the Economic and Social Council system.

81. For the United Nations to strengthen its effectiveness and enhance its relevance in the evolving development landscape, there is a need for a longer-term strategic repositioning of the United Nations development system. The implications for that development system would involve at least six different dimensions, namely, the alignment of functions, funding practices, capacity, partnerships, organizational arrangements and governance.

82. *Functions*. There is an emerging view of a need to develop an overarching strategy for a system-wide repositioning of United Nations funds, programmes and agencies in order to better align their functions with current global realities and emerging challenges and interdependencies. Strategic repositioning would also involve building on the strengths of individual entities, while at the same time reducing fragmentation and strengthening synergies and coherence.

83. *Funding*. Improving development funding would require a comprehensive review of the funding for operational activities for development, including the incentives it provides to United Nations entities. This would involve a comprehensive adjustment of resource flows to the United Nations development system. Such adjustments would include a delineation of the functions of individual

entities, a balancing of core and non-core funding, increased predictability, and more equitable burden-sharing among donor countries.

84. *Capacity*. There is need to further augment the capacity of the United Nations system to better assist Member States to respond to the challenges of globalization. This should be carried out in line with the broader context of a strategic reprioritization of development challenges within the United Nations. It should also take into account the changing needs of government institutions in programme countries, some of which may need varying types of capacity-building assistance.

85. *Partnerships*. Addressing coherently current and future complex globalization challenges requires a common vision, as well as a collective and concerted commitment and effort involving all actors. Partnerships have enabled the United Nations to become increasingly innovative in leveraging the skills and resources of civil society and the private sector towards achieving development goals, including the Millennium Development Goals. The United Nations Conference on Sustainable Development reaffirmed the need for full participation of civil society in a renewed commitment to sustainable development and ensuring the promotion of an economically, socially and environmentally sustainable future. The United Nations system needs to find innovative ways of developing and institutionalizing new partnerships with the private sector, civil society, foundations and regional organizations.

86. *Organizational arrangements*. To meet the demands of globalization, a strategic repositioning would involve an emphasis on complementarities, strengthening synergies among the entities of the United Nations development system through the strategic use of inter-agency task forces and other relevant options, fostering deeper integration. The system also needs to develop more flexible organizational procedures for deploying a critical mass of expertise and resources to priority issues.

87. *Governance*. The current governance of the United Nations development system has three major challenges to address. First, decision-making on operational activities runs through vertical lines, rendering difficult integration and coherence in programme delivery. These vertical structures are also unfavourable to the integration of the three dimensions of sustainable development. Second, governance arrangements are not reflective of the current realities of the increasing prevalence and importance of new actors and groups of countries. Consideration should be given to how the growing area of partnerships could be incorporated into the governance structures of the funds, programmes and agencies. Third, there is a continuing implementation gap between decisions adopted at the global level and actions taken on the ground. It is widely acknowledged that the United Nations needs to develop a framework that ensures effective accountability and monitoring to ensure that the implementation gap is bridged. The current discussions on the post-2015 development framework with poverty eradication and sustainable development at the core could provide an important opportunity.

VI. Conclusions

88. In order to manage globalization:

(a) The central challenge for the post-2015 United Nations development agenda is to ensure that globalization benefits everyone, facilitated by an inclusive

multilateral system. As the opportunities, challenges and risks of globalization are highly interdependent, a well-coordinated and effective multilateral approach is needed to manage globalization;

(b) The principles of the Millennium Declaration remain highly relevant to the management of globalization. They range from solidarity and non-interference to common but differentiated responsibilities and capabilities, and the right to development and greater distributive justice;

(c) Management of globalization must effectively and systematically capture the specific needs of the most vulnerable countries and peoples and ensure the continued centrality of those countries in the global development framework;

(d) Effective monitoring and accountability must be key features of the management of globalization. To secure compliance with commitments, various strands of accountability must interplay successfully. Statistical and other systems must be strengthened to support monitoring and to develop a robust baseline of information;

(e) With the increasing complexity of monitoring processes, collecting good and reliable data has become even more important. Monitoring and accountability have to rely on robust and high-quality data. This should be made available publicly, along with broad and inclusive information;

(f) The benefits of globalization need to be spread more widely and evenly. The prevalence of unaddressed inequalities — both within and between countries — prevents countries from making the development progress needed to address current and emerging challenges;

(g) Poverty remains a principal challenge. Facilitating inclusive economic growth and tackling global unemployment through the creation of decent jobs are key aspects of poverty eradication;

(h) Globalization should benefit those countries that are emerging from, or are affected by, conflict. Peace and security and human rights are critical for development and are a major component of it. Development, peace and security, and human rights are interlinked and mutually reinforcing;

(i) Global commitments must be translated into country-level commitments, with specific targets to which all partners can commit through inclusive participatory processes. National ownership should be fostered and development financing aligned with national priorities. Dialogues with all development stakeholders should be held in order to ensure that activities are related to national development strategies;

(j) Accountability should aim at delivering results for people at the country level. At the same time, it should be anchored in a global accountability framework. For accountability to be effective, it has to be tailored to country-level needs;

(k) The increased use of information and communications technologies and social media can enhance the sharing of knowledge and information, monitoring and accountability. Bridging the digital divide requires further progress and strengthening of efforts;

(l) Multiple accountabilities have to be ensured across all sectors and levels of actors and partnerships. Genuine partnerships should be built on a common understanding, transparency and accountability;

(m) Improvements in people's well-being should not be based on unsustainable patterns of production, consumption or resource use, which undermine development progress;

(n) The global commons provide a basis for interdependence, but increasingly globalization is becoming a driver of environmental degradation. This trend should be reversed so that globalization becomes another means to manage the global commons.

89. A renewed global partnership to address globalization challenges is needed:

(a) Renewing the global partnership for development is essential to successfully address globalization challenges. The partnership must enhance policy coherence for development to address poverty eradication and promote sustainable development and the post-2015 development agenda in the context of a rapidly changing globalized world;

(b) There is demand for a greater involvement of the private sector in spreading the benefits of globalization and for holding it accountable. A code of conduct would be needed for private sector engagement, as well as stronger monitoring of corporate social responsibility;

(c) Philanthropic foundations, with their ability to innovate and take risks and with greater flexibility and outcome-orientation, are complementing and scaling up development efforts. Many foundations are keen to engage in continued dialogue to improve understanding of their strengths and how they can contribute;

(d) A renewed global partnership for development should ensure that development cooperation strategies and programmes are flexible enough to respond to these changes and to changes in the global development landscape in partner countries;

(e) The international community is evolving from a traditional North-South understanding of global partnership. A renewed global partnership must be a universal and genuine partnership among equal partners, taking into account the principle of common but differentiated responsibilities. It must be based on the principles of solidarity, equality, national ownership and self-determination, mutual respect and global responsibility;

(f) A renewed global partnership for development must be an attractive tool for engagement of all partners and mobilize political will to support implementation of the post-2015 development agenda. The principle of universality implies that all actors take full responsibility according to their own capacities.

90. The implications for the role of the United Nations are:

(a) Multilateralism needs to be further strengthened, rather than diffused. Strong political will and leadership at all levels is essential for multilateral coordination and the effective management of globalization;

(b) The current global institutional development framework needs to become more responsive to rapid global changes and provide unified, multidimensional responses in order to better respond to and manage globalization. International institutional structures also need to evolve and adapt more quickly to the rapid changes in globalization and interdependence;

(c) For the United Nations to strengthen its effectiveness and enhance its relevance in the new development landscape, there is a need for longer-term strategic repositioning of the United Nations development system. This would involve rethinking, adjusting and strengthening such areas as functions, funding, capacity, partnerships, organizational arrangements and governance. The 2012 quadrennial comprehensive policy review of operational activities for development of the United Nations system can provide the strategic framework for such a reflective exercise;

(d) The success of a post-2015 United Nations development agenda will hinge upon its effective implementation. The United Nations has extensive knowledge on how the different elements of monitoring and accountability in international development cooperation may fit together. Efforts should be pursued to design and implement a coherent system within the Economic and Social Council to review progress by different partners in honouring commitments made under the post-2015 development agenda. Mutual review mechanisms are one option for putting mutual accountability into practice;

(e) The global dialogue on globalization and interdependence needs to be located in a global forum where all voices can be heard. The United Nations should continue to serve as a hub for candid and inclusive exchanges on issues relating to globalization and interdependence. It could also promote global accountability in the post-2015 era by monitoring the implementation of a universal development agenda and a renewed global partnership for development.

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Sustainable development: protection of global climate for present and future generations of humankind

Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

Convention on Biological Diversity

Implementation of United Nations environmental conventions

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the reports submitted by the secretariats of the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, and the Convention on Biological Diversity.

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I. Report of the Executive Secretary of the United Nations Framework Convention on Climate Change on the United Nations Climate Change Conference, Doha, 2012

1. The General Assembly, in its resolution 67/210, invited the secretariat of the United Nations Framework Convention on Climate Change to report to it at its sixty-eighth session on the work of the Conference of the Parties to the Convention. The present report is submitted in response to that invitation.

A. Outcomes of the eighteenth session of the Conference of the Parties to the Convention and the eighth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

2. The United Nations Climate Change Conference was held in Doha, from 26 November to 8 December 2012 and comprised the following sessions:

(a) The eighteenth session of the Conference of the Parties to the Convention;

(b) The eighth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol;

(c) The thirty-seventh session of the Subsidiary Body for Implementation;

(d) The thirty-seventh session of the Subsidiary Body for Scientific and Technological Advice;

(e) The second part of the seventeenth session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol;

(f) The second part of the fifteenth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention;

(g) The second part of the first session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action.

3. The Doha Conference enjoyed a high level of participation, and was attended by 4,300 Government delegates, 3,900 observers and 680 media representatives. The Conference of the Parties to the Convention adopted 26 decisions and the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol adopted 13 decisions. The main outcomes of the Conference are reflected in the Doha Climate Gateway:

(a) The adoption of the Doha Amendment to the Kyoto Protocol, reaffirming the second commitment period;

(b) Agreement on a plan of work to adopt a global climate change agreement by 2015, in accordance with decisions 1/CP.17 and 2/CP.18;

(c) The agreed plan to explore options towards raising the necessary ambition to bridge the pre-2020 mitigation ambition gap;

(d) Agreement on how to maintain political focus on the mobilization of climate finance and the completion of the arrangements for operationalizing the bodies established at Cancun and Durban that will support further action by developing countries;

(e) Agreement on an approach to address loss and damage associated with climate change impacts, including a decision to put in place at the next Conference the required institutional arrangements.

4. The negotiations on a second commitment period of the Kyoto Protocol, which started in Montreal in 2005, came to a close with the adoption of the Doha Amendment, which also entailed the conclusion of the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol. At the same time, the work initiated in Bali in 2008 came to a close, with the agreed closure of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention. Parties have now shifted their focus to enhancing the ongoing efforts at implementation of previous outcomes and to the negotiations under the Ad Hoc Working Group on the Durban Platform for Enhanced Action towards a global climate agreement in 2015.

B. High-level segment

5. The joint high-level segment of the eighteenth session of the Conference of the Parties to the Convention and the eighth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol was opened by the President of the Conference, the Chairman of the Qatar Administrative Control and Transparency Authority, and was preceded by a welcoming ceremony attended by the Emir of Qatar, the Secretary-General, the President of the General Assembly and other dignitaries.

6. The Secretary-General and the President of the General Assembly delivered statements recognizing the challenges posed by climate change and emphasizing the need to make progress and move forward on key issues. The Secretary-General urged parties to work with a spirit of compromise, sustaining the momentum for change built since the Bali Climate Change Conference and delivering on key issues such as the adoption of the second commitment period of the Kyoto Protocol, progress on long-term finance, progress on established institutions set up in Cancun and Durban and progress made by the Ad Hoc Working Group on the Durban Platform for Enhanced Action towards attaining a global legally binding instrument.

7. At the high-level segment, statements were made by 156 parties, of which seven were made by Heads of State or Government, five by either vice-presidents or deputy prime ministers, 99 by ministers and 45 by representatives of parties. In addition, two statements were made by observer States.

C. Outcomes of the eighteenth session of the Conference of the Parties to the Convention

8. In Doha, the Conference of the Parties agreed to a plan of work for the Ad Hoc Working Group on the Durban Platform for Enhanced Action as it works towards a comprehensive legal agreement covering all countries, to be adopted by 2015 and to come into effect as of 2020. The plan of work maps out the process for the upcoming year and outlines the timetable for the elements of a draft negotiating text to be available by the end of 2014 at the latest, with a view to making available a negotiating text before May 2015. The Conference also welcomed the announcement

by the Secretary-General of his plan, in consultation with Member States, to convene world leaders in 2014 to mobilize the political will for a final agreement in 2015.

9. Parties also agreed to identify and explore options for a range of actions that can close the pre-2020 ambition gap with a view to identifying further activities for the plan of work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action in 2014, thereby ensuring the highest possible mitigation efforts under the Convention.

10. The Conference of the Parties adopted decision 1/CP.18, which together with decisions adopted by the Conference of the Parties at its sixteenth and seventeenth sessions, constitute the agreed outcome pursuant to the Bali Action Plan. Work in the context of the agreed outcome is now in its implementation phase under the relevant bodies constituted under the Convention and a number of decisions were adopted in Doha pursuant to the full implementation of the agreed outcome to the Bali Action Plan.

11. The process for the first review of the adequacy of the long-term global temperature goal was launched in Doha and started in 2013 with a workshop aimed at increasing the understanding of existing scientific knowledge and how it can be used in the context of the review. The review is set to conclude in 2015. Parties agreed on further definition of the scope of the review and development of its modalities, including how the key inputs such as the Fifth Assessment Report of the Intergovernmental Panel on Climate Change will be considered.

12. A major outcome of the Conference was a decision adopted on approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change. The Conference decided to establish, at its nineteenth session, institutional arrangements, such as an international mechanism, to address loss and damage associated with the impacts of climate change in developing countries that are particularly vulnerable to the adverse effects of climate change.

13. The work programme on long-term finance was extended in Doha for one year with the aim of informing developed country parties in their efforts to identify ways to mobilize the scaling up of climate finance to $100 billion per year by 2020. The Conference of the Parties also requested the Standing Committee to support the implementation of the work programme by providing expert inputs.

14. The Conference of the Parties decided to change the name of the Standing Committee to the Standing Committee on Finance, adopted its revised composition and working modalities and endorsed its work programme for 2013-2015. The Conference also noted with appreciation the report of the Standing Committee on the outcomes of its meetings in 2012 and its recommendations regarding guidance to the operating entities of the financial mechanism of the Convention.

15. The Conference of the Parties endorsed the consensus decision of the Board of the Green Climate Fund to select the Republic of Korea as the host of the Green Climate Fund. The Board of the Green Climate Fund and the Republic of Korea were requested by the Conference to conclude the legal and administrative arrangements for hosting the Green Climate Fund in an expedited manner. The Fund is expected to start its work in Songdo, Republic of Korea, in the second half of 2013 and launch its activities in 2014. The Conference also requested the Standing Committee and the Board of the Green Climate Fund to develop arrangements

between the Conference of the Parties and the Green Climate Fund. Relevant provisions in decision 3/CP.17 and in the governing instrument of the Green Climate Fund were recognized as the basis for ensuring that the Fund is accountable to and functions under the guidance of the Conference of the Parties. The Conference shall provide initial guidance to the Green Climate Fund at its nineteenth session.

16. In Doha, the Conference decided to initiate the fifth review of the financial mechanism of the Convention and the Standing Committee was requested to further amend the guidelines for the review of the financial mechanism, and to provide draft updated guidelines for consideration and adoption, with a view to finalizing the fifth review of the financial mechanism for consideration by the Conference of the Parties at its twentieth session.

17. As part of the guidance from the Conference of the Parties to the Global Environment Facility (GEF), the Conference requested GEF to:

(a) Make available support to parties not included in annex I to the Convention ("non-annex I parties") for preparing their biennial update reports;

(b) Provide funds for technical support for the preparation of such reports by non-annex I parties;

(c) Consider how to enable activities for the preparation of the national adaptation plan process for interested developing country parties that are not least developed country parties, through the Special Climate Change Fund.

18. The Adaptation Committee has initiated its work and presented a report to the Conference of the Parties. The Conference in Doha approved the draft three-year workplan of the Adaptation Committee and endorsed its draft rules of procedure, providing the Committee with the necessary guidance to make significant contributions to the implementation of the Bali Action Plan.

19. Reaffirming the importance of the need to address adaptation planning in the broader context of sustainable development planning, the Conference provided guidance to GEF to enable activities for the preparation of national adaptation plans by the least developed country parties, including through the provision of funding from the Least Developed Countries Fund. An assessment of progress in this respect shall be made and considered at the twentieth session of the Conference of the Parties.

20. The Technology Executive Committee reported on its activities and performance to the Conference in Doha, including on its consultations with relevant stakeholders on ways to promote enabling environments and to address barriers to technology development and transfer, and on technology road maps and action plans. The Conference of the Parties noted with appreciation the key messages of the Committee on enabling environments for and barriers to technology development and transfer, and noted that the Committee was undertaking further work on such issues, as well as on technology road maps and technology needs assessments.

21. A significant advancement for the completion of the institutional arrangements for technology transfer to developing nations has been the completion of the selection process for the host of the Climate Technology Centre. The Conference in Doha selected a consortium of partner institutions, led by the United Nations Environment Programme (UNEP) to host the Climate Technology Centre, for an initial term of five years, and established the Advisory Board of the Climate

Technology Centre and Network, thereby bringing the Technology Mechanism under the Convention closer to full operationalization.

22. The Doha work programme on article 6 of the Convention was adopted by the Conference, recognizing the importance of education, training and skills development for all parties to achieve sustainable development in the long term. The Conference also requested the Subsidiary Body for Implementation to organize an in-session dialogue, on an annual basis, to share experiences and exchange ideas, best practices and lessons learned regarding the implementation of the work programme.

23. It was also recognized that those countries with economies in transition that are currently receiving support are in need of further capacity-building, in particular for the implementation of their national low-carbon development strategies. Furthermore, it was recognized that some countries with economies in transition had not only been recipients of assistance but had also started to transfer their own expertise, knowledge and lessons learned on capacity-building to non-annex I parties.

24. The Conference of the Parties to the Convention passed a decision to promote gender balance and improve the participation of women in delegations and bodies constituted under the Convention and the Kyoto Protocol, with a process for yearly monitoring of progress, and decided to add the issue of gender and climate change as a standing item on the agenda of session of the Conference of the Parties.

25. A pledge by Bahrain, Qatar, Saudi Arabia and the United Arab Emirates was submitted to the Conference in which that group of parties put forward their current actions and plans in pursuit of economic diversification that have co-benefits in the form of emission reductions, adaptation to the impacts of climate change and response measures. The Conference of the Parties decided to anchor such pledges with other mitigation pledges of developing country parties.

D. Outcomes of the eighth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

26. The most important outcome of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol was the adoption of the Doha Amendment to the Kyoto Protocol. Through the Doha Amendment, the second commitment period of the Kyoto Protocol was reaffirmed as beginning on 1 January 2013 and ending on 31 December 2020. Under the Doha Amendment, 37 countries (all States members of the European Union and Australia, Belarus, Croatia, Iceland, Kazakhstan, Liechtenstein, Monaco, Norway, Switzerland and Ukraine) adopted legally binding emission reduction targets collectively bringing them to a level of 18 per cent below their 1990 baselines (as compared to an aggregate 5 per cent reduction under the first commitment period). Additionally, the targets of parties under the second commitment period of the Kyoto Protocol were underpinned by strict accounting rules. The Conference of the Parties serving as the Meeting of the Parties agreed on guidance relating to the report to facilitate the calculation of the assigned amount for each party with a quantified emission limitation and reduction commitment for the second commitment period of the Kyoto Protocol.

27. Parties also agreed to review their emission reduction commitments by 2014 at the latest, with a view to increasing their respective levels of ambition. With the Doha Amendment securing the enabling of the second commitment period of the

Kyoto Protocol, the Clean Development Mechanism is to continue operating normally. As part of the continued operation of the Mechanism, the Conference decided to grant access to the Mechanism to those countries taking part in the second commitment period.

28. In Doha, a number of parties, comprising Australia, the European Union, Japan, Liechtenstein, Monaco, Norway and Switzerland made political declarations, which were inscribed in annex II to the decision on the amendment to the Kyoto Protocol, that they would not purchase assigned amount units from the first commitment period of the Kyoto Protocol during the second commitment period of the Kyoto Protocol.

29. The Adaptation Fund Board presented its report to the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, which noted the accreditation of 14 national implementing entities that can directly access resources from the Adaptation Fund. The Conference decided to consider, at its ninth session, means to enhance the sustainability, adequacy and predictability of the resources of the Fund, including the potential to diversify revenue streams of the Fund.

30. The Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol also adopted a decision on the initial review of the Adaptation Fund. In such initial review, the Conference decided to extend until June 2015 the interim institutional arrangements with the International Bank for Reconstruction and Development (the World Bank) as the trustee of the Adaptation Fund. The Conference also decided to extend the interim institutional arrangements of the secretariat of the Adaptation Fund Board until the completion of the second review of the Adaptation Fund in 2014.

31. The Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol provided further guidance relating to the Clean Development Mechanism. The topics of such guidance included general guidance, a review of the modalities and procedures for the Mechanism, governance, baseline and monitoring methodologies and additionality, registration of project activities relating to the Mechanism and issuance of certified emission reductions, and regional and subregional distribution.

32. As in previous years, the Conference also provided guidance in respect to the implementation of article 6 of the Kyoto Protocol, which included general guidance, guidance on governance and on the resources for work on joint implementation.

E. Conclusions and recommendations

33. **The General Assembly may wish to, inter alia:**

(a) **Take note of the report of the Executive Secretary of the United Nations Framework Convention on Climate Change, as transmitted by the Secretary-General;**

(b) **Note the outcomes of the eighteenth session of the Conference of the Parties to the Convention and of the eighth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, hosted by the Government of Qatar from 26 November to 8 December 2012;**

(c) **Urge the ratification of the second commitment period of the Kyoto Protocol by all parties to the Kyoto Protocol;**

(d) **Pledge its support to the negotiating process under the Durban Platform for Enhanced Action towards the conclusion of a new climate agreement under the United Nations Framework Convention on Climate Change by 2015;**

(e) **Invite the Executive Secretary to continue to report to it on the work of the Conference.**

II. Report on the implementation of resolution 67/211 and on the implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

A. Background

34. In its resolution 67/211, the General Assembly recalled the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want" (General Assembly resolution 66/288), in which the Conference stressed that desertification, land degradation and drought were challenges of a global dimension which continued to pose serious challenges to the sustainable development of all countries, in particular developing countries. In that resolution, the Assembly reaffirmed its resolve to take coordinated action, nationally, regionally and internationally, to globally monitor land degradation and restore degraded lands in arid, semi-arid and dry subhumid areas. In this respect, the Assembly encouraged giving appropriate consideration to the issues of desertification, land degradation and drought in the elaboration of the development agenda beyond 2015, and requested the Secretary-General to report to it, at its sixty-eighth session, on the implementation of the resolution. The meetings of the subsidiary bodies of the United Nations Convention to Combat Desertification held in the aftermath of the United Nations Conference on Sustainable Development dwelled extensively on the outcome of the Conference as it related to those issues.

B. Third special session of the Committee on Science and Technology, second United Nations Convention to Combat Desertification Scientific Conference and eleventh session of the Committee for the Review of the Implementation of the Convention

35. The third special session of the Committee on Science and Technology and the second United Nations Convention to Combat Desertification Scientific Conference were convened in Bonn, Germany, from 9 to 12 April 2013.

36. Issues addressed during third special session of the Committee included the preparation of the third United Nations Convention to Combat Desertification Scientific Conference and progress made in refining the impact indicators relating to strategic objectives 1, 2 and 3 of the 10-year strategic plan and framework (2008-

2018). The third special session of the Committee took note of progress made by the ad hoc advisory group of technical experts on impact indicator refinement and put forward a series of comments for further refinement of the final recommendations of the advisory group, which will be presented to the eleventh session of the Committee on Science and Technology. With a view to contributing to the work of the Committee for the Review of the Implementation of the Convention, the third special session of the Committee on Science and Technology also, for the first time, reviewed and assessed scientific information on impact indicators submitted by affected country parties during the reporting and review cycle for 2012-2013.

37. The second United Nations Convention to Combat Desertification Scientific Conference took up the theme of "Economic assessment of desertification, sustainable land management and resilience of arid, semi-arid and dry subhumid areas". In addition to representatives of parties to the Convention and of United Nations organizations, offices and specialized agencies, intergovernmental organizations and civil society organizations, 189 scientists also attended the second Scientific Conference. Issues addressed included: economic and social impacts of desertification, land degradation and drought; cost and benefits of policies and practices addressing land degradation and drought in the drylands; drivers of change and resilience increase; and related strategies and policies at the local, national, regional and international levels.

38. The eleventh session of the Committee for the Review of the Implementation of the Convention was held in Bonn, from 15 to 19 April 2013, following the preparatory meetings of the five regional implementation annexes.

39. The meeting reviewed information relating to all performance and impact indicators of the 10-year strategic plan and framework, as well as information on financial flows for the implementation of the Convention, submitted by parties and other reporting entities in compliance with the performance review and assessment of implementation system adopted by the Conference of the Parties to the Convention in 2009. The Committee for the Review of the Implementation of the Convention, at its eleventh session, also reviewed information on the accessibility of best practices, strengthening the relationships with other conventions and on the overall reporting process. With some limitations due to the number of reports submitted and to the coherence and the completeness of data, the Committee, at its eleventh session, was successful in assessing the progress made by parties to the Convention in achieving the operational objectives of the strategy since the year 2008, through an analysis of trends against the 18 performance indicators.

40. The Committee for the Review of the Implementation of the Convention also reviewed, for the first time since the adoption of the strategy, information on impact indicators relevant to its strategic objectives. Despite data gaps and a lack of comparability, a first set of baseline data has been derived from reports of affected country parties on strategic objectives 1, 2 and 3 of the strategy. Although limited, the data coverage has enabled a subset of analyses to be carried out and has provided useful insights on how to further improve the process in the future.

41. While the focus was primarily on the assessment of implementation of the Convention, the programme of work of the Committee included briefing and updating parties on other important items, including the progress made in the work of the Intersessional Working Group to assist the Conference of the Parties in the independent midterm evaluation of the strategy. The recommendations contained in

the final report of the Committee will be considered by parties in preparation for, and during formal consultations to take place at, the twelfth session of the Committee and will guide the decision-making process at the eleventh session of the Conference of the Parties to the Convention.

C. High-level meeting on national drought policies

42. The secretariat of the Convention, together with the World Meteorological Organization (WMO) and the Food and Agricultural Organization of the United Nations (FAO) organized a high-level meeting on national drought policy, held from 11 to 15 March 2013, in Geneva, with the collaboration of a number of United Nations entities, international and regional organizations and key national agencies. In keeping with the key objectives of the Convention, that include mitigating drought, improving the livelihoods of affected populations and enhancing the productivity of affected ecosystems, the meeting focused on achieving the following objectives:

(a) Inclusion of proactive mitigation and planning measures, risk management, public outreach and resource stewardship as key elements of effective national drought policy;

(b) Greater collaboration to enhance national, regional and global observation networks and information delivery systems to improve public understanding of and preparedness for drought;

(c) Incorporation of comprehensive governmental and private insurance schemes and financial strategies into drought preparedness plans;

(d) Introduction of a safety net of emergency relief programmes through diverse government departments based on the sound stewardship of natural resources and measures to increase the resilience of populations;

(e) Coordination of drought programmes and responses in an effective, efficient and customer-oriented manner.

43. The meeting also sought to help create more drought-resilient societies through (a) promoting standard approaches to vulnerability and impact assessment; (b) implementing effective drought monitoring and early warning systems; (c) enhancing preparedness and mitigation measures; and (d) implementing emergency response and relief measures that reinforce national drought policy goals. To provide concerted support to countries in developing national drought management policies, the secretariat of the Convention, in collaboration with the UN-Water Decade Programme on Capacity Development, WMO and FAO, launched an initiative to build capacity at the national level to enable countries to develop their policies. To facilitate the development of a national drought management policy, the secretariat developed an advocacy policy framework on drought, which is an instrument to assist countries in promoting the development of their national drought management policies.

44. The high-level meeting adopted a declaration calling upon countries and governments around the world to put in place national drought management policies as an indispensable measure to build drought resilient societies. The meeting concluded that without a coordinated national drought policy, countries will

continue to respond to drought in a reactive, crisis management mode. The outcomes of the meeting also acknowledged the urgency of the problem and the major consequences of drought in terms of the loss of human life, food insecurity, degradation of natural resources, negative consequences on the environment's fauna and flora, poverty and social unrest, as well as the short- and long-term economic losses it causes in a number of sectors, including agriculture, animal husbandry, fisheries, water supply, industry, energy production and tourism.

D. Global observance of the 2013 World Day to Combat Desertification and Drought

45. The global observance of the 2013 World Day to Combat Desertification and Drought was organized on the theme of drought and water scarcity. Under the slogan, "Don't let our future dry up", the observance was aimed at creating awareness of the risks of drought and water scarcity in the drylands and beyond, and calling attention to the importance of sustaining healthy soils, as a follow-up to the outcomes of the United Nations Conference on Sustainable Development, as well as in the context of the post-2015 sustainable development agenda and the sustainable development goals.

46. The global observance of the World Day was held in conjunction with a Conference on desertification and land degradation entitled "Desertification: to care or not to care?" organized by the University of Ghent, Belgium, jointly with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations University Institute for Water, Environment and Health, among others. Speaking at the event, the Executive Secretary of the Convention called for action at the policy and grass-roots levels in order to build preparedness for and mitigate the effects of drought, and to combat desertification and land degradation effectively. He highlighted the need for assistance to help local communities adopt and scale up sustainable land management practices. He urged that the global aspiration of a land-degradation-neutral world be translated into reality by giving it a concrete target under the sustainable development goals under consideration by the General Assembly. He also stressed the need to mitigate drought by implementing the outcomes of the high-level meeting in order to better prepare for and manage the risks associated with drought.

47. At the global observance event, the three winners of the Land for Life Award were announced. Another recognition programme, Dryland Champions, was also announced at the same event. The Dryland Champions programme honours individuals who have pioneered new solutions or revitalized traditional methods to bring life back to the drylands. In 2013, 14 countries joined the programme, of which five, Eritrea, Hungary, Kenya, Portugal and Thailand, announced their national dryland champions.

48. The Secretary-General issued a message on the occasion of the World Day to Combat Desertification and Drought calling for a collective global response to drought and a shift from crisis management to drought preparedness and resilience. He indicated that the price for preparedness was minimal compared to the cost of disaster relief and that droughts can be mitigated and called for the full implementation of the outcomes of the high-level meeting. The Secretary-General also called for implementation of outcomes of the United Nations Conference on

Sustainable Development relating to a land-degradation-neutral world by avoiding and offsetting land degradation.

E. Land for Life Award

49. An important element of the global observance of the World Day to Combat Desertification and Drought was the Land for Life Award, which was launched at the tenth session of the Conference of the Parties as part of the "Changwon initiative". The Land for Life Award is the only global award that focuses solely on recognizing organizations and individuals working to restore degraded lands and improve soil's natural health and productive capacity. It has served as a substantive new platform to raise awareness about the problems and solutions of desertification and land degradation. With future support from donors, the award has the potential to become a prestigious mark of recognition for those working to combat land degradation around the world, and to provide the means to scale up promising new strategies for sustainable land management.

50. For 2013, 137 applications were received, in all six official languages of the United Nations and from a range of organizations and individuals, indicating broad awareness about the award. 16 semi-finalists were selected and submitted to a jury of 10 experts in the field of development, sustainable land management and soil science. The awards for 2013 went to (a) the Foundation for Ecological Security, a non-governmental organization in India whose work has improved the livelihoods of 1.7 million people living in more than 4,000 villages and influenced national environmental policy; (b) Consejo Civil Mexicano para la Silvicultura Sostenible for its work in the Amanalco Valle Bravo Basin in central Mexico; and (c) World Vision Australia for popularizing farmer-managed natural regeneration in the Sahel region in Africa. Each year, a total prize fund of $100,000 is awarded to winners for further scaling up or scaling out their award-winning activities. The announcement of the winners was made during the global observance of the World Day on 17 June. The award ceremony will take place during the eleventh session of the Conference of the Parties to the Convention.

F. United Nations Decade for Deserts and the Fight against Desertification (2010-2020)

51. The General Assembly, in its resolution 62/195, declared the decade 2010-2020 as the United Nations Decade for Deserts and the Fight against Desertification, and in its resolution 64/201, designated the implementing entities for the Decade and requested the Secretary-General to report to the Assembly at its sixty-ninth session on the status of implementation of the Decade. An inter-agency task force has been constituted, with the participation of 13 United Nations entities and international organizations to organize and coordinate global observance activities in connection with the Decade. The task force has met five times to develop and implement planned activities. The theme chosen by the task force for activities in 2012 was "The management and use of land in a green economy". In December 2012, at the United Nations Climate Change Conference in Doha, the task force organized a side event on the theme "Grasslands climate change mitigation and adaptation potential", in collaboration with the Government of Mongolia, the

secretariat of the United Nations Convention to Combat Desertification and other partners. The secretariat also organized a round-table session on Agriculture, Landscapes and Livelihoods Day 5, entitled "Climate change resilience in drylands agro-ecosystems: improving food security and livelihoods in a land degradation neutral world". The main outcomes of the session focused on the different dimensions of drylands agriculture and an emphasis on land restoration.

52. Other events organized by the task force included the launch, in December 2012, of an online campaign for children and youth, entitled "Going land-degradation-neutral", in partnership with Bonn International Model United Nations, to raise awareness about the outcomes of the United Nations Conference on Sustainable Development relating to desertification, land degradation and drought.

53. The theme for the 2013 observance of the decade was intended to reinforce the messages of the 2013 World Day to Combat Desertification and Drought and the International Year of Water Cooperation. During the high-level meeting, the task force organized a side event on the theme to kick off the campaign for the World Day to Combat Desertification and Drought. In April 2013, the task force organized a side event entitled "Dry forests: drought, water scarcity and the global development agenda" at the tenth session of the United Nations Forum on Forests, held in Turkey. The task force also participated in a panel at the side event on communications held in Bonn to publicize the theme for the year.

G. Follow-up to the United Nations Conference on Sustainable Development and considerations regarding the post-2015 development agenda and the sustainable development goals process

1. Consideration of issues relating to desertification, land degradation and drought by the Open Working Group on Sustainable Development Goals

54. To follow up on the commitment made by world leaders at the United Nations Conference on Sustainable Development to strive towards a land-degradation-neutral world and mainstream this commitment in the deliberations of the General Assembly on the post-2015 development agenda and the sustainable development goals process, the secretariat of the Convention has been actively participating in and supporting the Task Team established to support the intergovernmental process of the Open Working Group on Sustainable Development Goals. The themes of desertification, land degradation and drought, along with food security and nutrition, sustainable agriculture and water and sanitation, were among the first substantive issues to be taken up by the Open Working Group, at its third session, held from 22 to 24 May 2013. The prominence accorded to and the early consideration of desertification, land degradation and drought issues by the Working Group reflected the success of efforts by the secretariat in advocacy and outreach to the international community to prioritize those issues and follow up effectively on the commitments made at the Conference to strive towards a land-degradation-neutral world.

55. The Task Team requested the secretariat to take the lead in drafting a concise issues brief encompassing sections on stocktaking, recommendations for a sustainable development goal and outlining proposals for a way forward.

56. The Executive Secretary was invited to introduce the issues brief to the Working Group along with the representatives of FAO, the International Fund for

Agricultural Development and the World Food Programme. Stressing the nexus between poverty and land degradation, the Executive Secretary emphasized the need to strive towards a land-degradation-neutral world and proposed "sustainable land use for all and by all" as an overarching and stand-alone sustainable development goal on land, with specific targets aiming to achieve zero net land degradation by 2030, zero net forest degradation by 2030 and the operationalization of drought policies and preparedness measures in all drought prone countries by 2020.

57. Drylands Ambassador Dennis Garrity was invited to address the Working Group. In his presentation, he emphasized that 40 per cent of degraded lands were found in areas with high instances of poverty and that land degradation directly affected 1.5 billion people, with disproportionate effects on women and children. In order to set a target for a zero net rate of land degradation, he called for reducing the rate of degradation on currently non-degraded land and increasing the rate of regeneration of land that is already degraded. Presenting an example of community-based success in regenerating land in Niger, he stressed the need to align global goals with local communities.

58. In the interactive discussions that ensued, a number of groups and individual Member States articulated their support for consideration of a sustainable development goal on a land-degradation-neutral world, most notably the Group of 77, the European Union, the African Union and the Group of Least Developed Countries. The summary of the deliberations issued by the co-chairs immediately after the meeting reflected recognition of the close interdependency between food, land and water, as well as energy, health, biodiversity and climate change, and the need to address the drivers of land degradation, including unsustainable agricultural and livestock management practices, as well as mining and industrial pollution. The summary noted that halting land degradation and increasing land restoration had co-benefits, including for sustainable water management, and reaffirmed the commitment to a land-degradation-neutral world.

2. Consideration of the outcomes of the United Nations Conference on Sustainable Development on issues relating to desertification, land degradation and drought by the African Union

59. The Assembly of the African Union met in Addis Ababa to celebrate the fiftieth anniversary of the founding the Organization of African Unity (OAU)/African Union (AU). On that occasion, the delegation of Burkina Faso, in its capacity as the Chair of the African Group of the Convention, proposed an agenda item related to the Convention. In the related decision adopted by the Assembly, Heads of State and Government invited African Governments to include relating to desertification, land degradation and drought on the list of priorities for their sustainable development policies (African Union Assembly decision 479 (XXI)). They were urged to place desertification, land degradation and drought at the centre of the debate on the post-2015 development agenda and to formulate a sustainable development goal on land degradation neutrality. The Assembly also paid tribute to the outgoing Executive Secretary for having contributed in an exceptional manner to promoting the objectives of the Convention.

3. Other events to follow up on the outcomes of the United Nations Conference on Sustainable Development relevant to desertification, land degradation and drought

60. The secretariat has also been actively engaged in and supported a number of events to follow up on the commitments undertaken at the Conference in connection with desertification, land degradation and drought.

Fourth International Conference on Drylands, Deserts and Desertification

61. The fourth International Conference on Drylands, Deserts and Desertification was held in Sede Boqer, Israel from 12 to 15 November 2012 and included a session entitled "Operationalizing the zero net land degradation target". An outcome report was prepared highlighting the conclusions and recommendations of the session. These included (a) although a zero net land degradation target, in practice, must be implemented at the local scale, its achievement will require a vertically integrated approach with top-down leadership and support; (b) the need to establish pilot projects at both the local and landscape scales while establishing long-term partnerships for achieving the target at the global scale through the United Nations system; and (c) one of the main challenges in operationalizing zero net land degradation is that of establishing baselines and indicators as well as monitoring and verification at all levels.

First Global Soil Week

62. The secretariat also participated and supported the first Global Soil Week, which was held from 18 to 22 November 2012 in Berlin and organized by the Institute for Advanced Sustainability Studies and several partners, including the secretariat. The main outcome of the event was the recognition that soil is the natural capital in the nexus of food, energy and water issues, and that this realization needs to be considered in management approaches. The value of a sustainable development goal specific to land and soil was also discussed and the need to reinforce country-level accountability and context-specific targets and indicators was specified. A set of sustainable development goals and a protocol on land and soil attached to the Convention were contemplated by participants as the preferred options for future steps.

Consultative meeting of experts on a sustainable development goal on a land-degradation-neutral world and on the target for zero net land degradation

63. An informal consultative meeting of experts on a sustainable development goal on a land-degradation-neutral world and on the target for zero net land degradation was convened in Seoul, on 26 and 27 June 2013, by the Government of the Republic of Korea and facilitated by the secretariat. The objectives of the meeting were to: (a) gather advice and recommendations on options for the establishment of a sustainable development goal on a land-degradation-neutral world to be negotiated in the General Assembly; (b) gather advice and recommendations on options for formulating and operationalizing a zero net land degradation target under the framework of the Convention, so as to provide concrete and action-oriented targets that could be used to measure progress towards a land-degradation-neutral world; and (c) provide the rationale and necessary elements for the establishment of an ad hoc working group that would provide further the advice and recommendations for achieving a land-degradation-neutral world and for formulating and operationalizing

a zero net land degradation target under the framework of the Convention, including recommendations on the terms of reference of such an ad hoc working group.

H. Partnerships

64. The secretariat has also been participating actively in initiatives and activities for collaboration and partnership with other United Nations entities to implement the objectives of the convention.

65. The secretariat participated in the Rio Conventions Pavilion, a joint initiative by the Rio Conventions, which was organized on the margins of the eleventh meeting of the Conference of the Parties to the Convention on Biological Diversity, held in October 2012, in Hyderabad, India. At the Pavilion, the secretariat participated in Ecosystem Restoration Day. The event called for concerted and coordinated long-term efforts to mobilize resources and facilitate the implementation of ecosystem restoration activities on the ground to deliver multiple benefits that contribute to improved human well-being and socioeconomic development while significantly reducing environmental risks and scarcities. The 14 partners involved in the event acknowledged that accelerated efforts are needed to restore and rehabilitate degraded lands, ecosystems and landscapes.

66. The secretariat also organized Land Day 6, on 15 October 2012, on the theme "Land degradation neutrality: a response to the 2020 Aichi Biodiversity Targets". It focused on the interaction between biodiversity and desertification to demonstrate the benefits of synergy for achieving the Aichi Targets and land-degradation neutrality.

67. The secretariat also participated actively in the Joint Liaison Group of the Rio Conventions. The twelfth meeting of the Group took place in Bonn, on 22 January 2013, with the participation of the Executive Secretaries of the three Rio Conventions. During the meeting, the Executive Secretaries committed themselves to undertake efforts to seek better communication and coordination among the three secretariats, and to have greater impact on the national level, while also being aware of the scarce resources available. The Executive Secretaries agreed to further engage in the organization of the Rio Conventions Pavilion while enhancing efforts to gather financial support from donors.

68. Other partnerships that the secretariat of the Convention forged included the agreement with the International Atomic Energy Agency (IAEA) to collaborate in the use of nuclear technologies to strengthen the assessment of soil erosion and monitor improvements over time. Through the partnership, Parties to the Convention will be able to access and participate in IAEA technical cooperation projects and use radionuclide and stable isotopic techniques, such as environmentally friendly tracer elements, to study soil erosion, improve land productivity and minimize the impacts of drought. Cooperation is foreseen in the exchange and dissemination of information, participation in relevant scientific networks and activities, and in joint educational and training courses.

I. Observations and possible General Assembly action

69. In the light of the outcome of the United Nations Conference on Sustainable Development related to desertification, land degradation and drought, it has become

increasingly clear that if the international community does not take bold action to protect, restore and manage land and soils sustainably, it will not achieve commitments by Member States towards climate change adaptation and mitigation, biodiversity conservation, forest and Millennium Development Goal targets; nor will it alleviate rural poverty and hunger or ensure long-term food security or build resilience to drought and water stress. At the Conference, world leaders agreed to strive to achieve a land-degradation-neutral world in the context of sustainable development. Member States must recognize that the many millions of people who manage agricultural systems, from the very poorest to the most commercialized producers, constitute the largest group of natural resource managers on earth. Their decisions, as well as those of the world's 7 billion consumers, will shape global food and nutrition security and the health of the world's ecosystems into the future. The challenge is to support better decisions by using all the tools at our disposal for reversing land degradation trends and gearing towards a land-degradation-neutral world. In this respect, the General Assembly may wish to ensure that its Open Working Group on Sustainable Development Goals continues to pay special attention to those issues with a view to including them in the post-2015 development agenda.

III. Report of the Executive Secretary of the Convention on Biological Diversity

70. In its resolution 67/212, the General Assembly invited the secretariat of the Convention on Biological Diversity to report to it, at its sixty-eighth session, on the implementation of the Convention and the Aichi Biodiversity Targets, including on difficulties encountered in the process of their implementation. The present report is submitted in response to that invitation.

A. Outcome of the eleventh meeting of the Conference of Parties to the Convention on Biological Diversity

71. Since the previous report to the General Assembly, the eleventh meeting of the Conference of Parties to the Convention took place in Hyderabad, India, from 8 to 19 October 2012, during which 33 decisions were adopted.

72. Significant among the issues addressed by the Conference of the Parties to the Convention were capacity-building and financial support for parties to achieve the Aichi Biodiversity Targets. On the subject of funding for implementation, there were a number of breakthroughs. Using a baseline period of 2006 to 2010, it was agreed that biodiversity-related international financial flows to developing countries towards implementing the Strategic Plan for Biodiversity would be doubled by 2015. The Conference also set targets to increase the number of countries that include biodiversity in their national development plans, and prepare national financial plans for biodiversity, by 2015. All Parties agreed to substantially increase domestic expenditures for biodiversity protection over the same period. Those targets and the progress achieved in that regard will be reviewed at the twelfth meeting of the Conference of the Parties to the Convention. For the first time, several developing countries pledged additional funds, beyond their core assessed contributions, for implementing the Convention. The Hyderabad Call for Action on Biodiversity, with an initial pledge of $50 million from the Government of India,

was also launched. The programme will accept pledges from Governments and organizations in support of the Strategic Plan. The Global Environment Facility, for the first time, was provided with an assessment of the financial resources required to meet the needs of developing countries for implementing the Convention.

73. A number of decisions were also taken to support parties by building capacity for the implementation of national biodiversity plans. These included measures to enhance technical and scientific cooperation among countries. In addition, a forum for the National Biodiversity Strategies and Action Plans, which provides easily accessible, targeted information, was launched at the Conference.

74. Marine and coastal biodiversity was also a focus area at the Conference. Substantial progress was made in describing ecologically or biologically significant marine areas, and the Conference decided to transmit results of the first tranche of work to the General Assembly, for consideration by its ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Decisions were also taken on new measures to factor biodiversity into environmental impact assessments linked to infrastructure and other development projects in marine and coastal areas. Parties to the Convention also called for more research into the potential adverse effects of underwater noise from ships and other sources on marine and coastal biodiversity, and highlighted the growing concern of the adverse effects of marine debris. The Conference also recognized the growing challenge of the impact of climate change on coral reefs, the combating of which, parties agreed, would require significant investment. There was also a call to fisheries management bodies to play a stronger role in addressing the impact of fisheries on biodiversity.

75. Parties also provided guidance on the preparations for the entry into force of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol) and agreed that a third meeting of the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol would be needed prior to twelfth meeting of the Conference of the Parties to the Convention.

76. The Conference also adopted decisions on article 8 (j) of the Convention, relating to indigenous and local communities, including on protected areas; measures to support the achievement of Aichi Target 15; and climate change and biodiversity, and calling for enhanced collaboration between the Convention on Biological Diversity and United Nations climate change initiatives, including building biodiversity safeguards into work related to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (REDD-plus).

77. The Conference also welcomed the establishment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and requested it to contribute to assessments of the achievement of the Aichi Biodiversity Targets.

78. A parallel summit of cities and local authorities was also convened. Participants adopted the Hyderabad Declaration on subnational governments, cities and other local authorities for biodiversity, which supports the work of cities and provinces to achieve the Strategic Plan for Biodiversity and calls for greater coordination between different levels of government.

B. Outcome of the sixth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety

79. The sixth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety took place in Hyderabad, from 1 to 5 October 2012, during which the Conference adopted 16 decisions, including on advancing issues regarding socioeconomic considerations, risk assessment and risk management of living modified organisms and capacity-building. Of significance were the decisions to establish an ad hoc technical expert group to develop conceptual clarity on socioeconomic considerations arising from the impact of living modified organisms on biological diversity, especially with regard to the value of biodiversity to indigenous and local communities. The convening of online discussion groups and regional online real-time conferences was also mandated to synthesize the exchange of views, information and experiences on socioeconomic considerations. The Conference also commended the progress made in developing the guidance on risk assessment of living modified organisms and encouraged Governments and relevant organizations to test the guidance in actual cases of risk assessment. It also decided to extend an open-ended online forum and establish a new ad hoc technical expert group on risk assessment and risk management to contribute to structuring and focusing the process and analysis of testing the guidelines for guidance. The Conference adopted a new Framework and Action Plan for the Effective Implementation of the Cartagena Protocol, to replace the updated Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol, and mandated capacity-building activities, including regional and subregional training workshops and the development of online training modules to support parties.

C. Follow-up to the eleventh meeting of the Conference of Parties to the Convention on Biological Diversity and the sixth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety

80. Significant activities and initiatives undertaken by the secretariat to follow up on decisions taken at the eleventh meeting of the Conference of Parties to the Convention and the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol are described below.

1. Nagoya Protocol

81. To follow up on decisions at the Conference of the Parties to the Convention, which called on the secretariat to undertake capacity-building and awareness-raising activities to support the early ratification of the Nagoya Protocol, the secretariat has developed targeted awareness-raising materials and organized a number of regional and subregional capacity-building workshops and targeted briefings for parliamentarians, decision makers and other stakeholders. The Secretary-General sent a letter to all Heads of State and/or of Government of States parties in April 2013, urging early ratification in order to enable the Nagoya Protocol to enter into force and the international community to move on to the implementation phase. As of 21 June 2013, 18 Parties to the Convention had deposited their instruments of ratification or accession, namely, Albania, Botswana, Comoros, Ethiopia, Fiji, Gabon,

India, Jordan, Lao People's Democratic Republic, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Panama, Rwanda, Seychelles, South Africa and the Syrian Arab Republic. In order for the Protocol to enter into force in time for the first meeting of the Conference of the Parties serving as the first Meeting of the Parties to the Nagoya Protocol, to be held concurrently with the twelfth meeting of the Conference of the Parties to the Convention, to be hosted by the Republic of Korea in October 2014, the fiftieth instrument must be deposited by 7 July 2014.

82. In order to address outstanding issues relating to the establishment of the pilot phase of the Access and Benefit-Sharing Clearing House, the development of a strategic framework for capacity-building and development under the Nagoya Protocol and cooperative procedures and institutional mechanisms to promote compliance with the Protocol and address cases of non-compliance, the secretariat, subsequent to the Conference of the Parties, has undertaken extensive online consultations on the need for and modalities of a global, multilateral benefit-sharing mechanism and a synthesis of the views is under preparation and will be considered at an expert meeting, to be convened from 17 to 19 September 2013, in Montreal. The secretariat is also implementing the Access and Benefit-sharing Clearing-House on a pilot basis in preparation for the entry into force of the Protocol. A meeting of experts was organized by the secretariat, from 3 to 5 June 2013, in Montreal, to develop a draft strategic framework for capacity-building and development in support of the effective implementation of the Nagoya Protocol.

2. Nagoya-Kuala Lumpur Supplementary Protocol

83. The secretariat has also been following up on decisions taken at the meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on the status of signature, ratification and accession to the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety. As of 21 June 2013, 14 parties to the Cartagena Protocol had deposited their instruments of ratification, approval, acceptance, or accession to the Supplementary Protocol, namely, Albania, Bulgaria, the Czech Republic, Ireland, Latvia, Lithuania, Luxembourg, Mexico, Mongolia, Norway, Spain, Sweden and the Syrian Arab Republic, and the European Union). The Supplementary Protocol will enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession.

D. Progress made in the implementation of the Strategic Plan for Biodiversity 2011-2020 and achievement of the Aichi Biodiversity Targets, including difficulties encountered in the process of implementation

84. As requested by the General Assembly in its resolution 67/212, a summary assessment of the progress made so far in the implementation of the Strategic Plan and the Aichi Biodiversity Targets, including difficulties encountered in the process of implementation, is provided below. A comprehensive assessment is currently under preparation and will be reflected in the fourth edition of the Global Biodiversity Outlook to be released in the fourth quarter of 2014.

85. The Strategic Plan for Biodiversity 2011-2020, adopted at tenth meeting of the Conference of the Parties to the Convention, is a global framework, with a long-

term vision that "by 2050 biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people." In the shorter term, by 2020, it aims for actions to halt the loss of biodiversity and to ensure the resilience of ecosystems so as to contribute to human well-being and poverty eradication. The Strategic Plan includes twenty agreed time bound targets. These are primarily intended to be implemented through National Biodiversity Strategies and Action Plans and national targets, as outlined below (the full text of the targets is available from www.cbd.int/doc/strategic-plan/2011-2020/Aichi-Targets-EN.pdf):

Target 1. Public opinion surveys show an increase in awareness and understanding of biodiversity in those few countries where repeated assessments have been made. There is steady incremental progress in the awareness of the value of biodiversity and measures that can be taken to conserve and use it sustainably. A major challenge is to expand opinion polls to a wider range of countries and to set appropriate baselines.

Target 2. Significant progress is being made by several countries to integrate biodiversity into national strategies, planning and accounting processes. These efforts are supported by the Wealth Accounting and Valuation of Ecosystem Services partnership led by the World Bank and work on green accounting led by the United Nations Statistical Commission.

Target 3. Some progress has been reported in addressing subsidies harmful to biodiversity and in realigning incentives, with a broad range of incentive programmes already implemented in various sectors, including payments for ecosystem services; tax exemptions or tax deductibility schemes, support in commercialization and market development, including certification, and subsidized insurance for specific economic activities, such as organic farming and biodiversity banks. The issue will be further addressed at the twelfth meeting of the Conference of the Parties to the Convention.

Target 4. While a number of initiatives have been implemented by Parties, organizations and the private sector, there is insufficient data to assess overall progress at this stage. The 10-year framework of programmes on sustainable consumption and production patterns, adopted at the United Nations Conference on Sustainable Development, will add impetus to the achievement of this target.

Target 5. Overall rates of deforestation are declining. However, the decline in rates of deforestation is not yet sufficient to achieve the target of halving the rate of loss by 2020. Many freshwater and coastal ecosystems, such as mangroves, continue to be degraded, with loss of biodiversity.

Target 6. Progress has been made, with significant reductions in harvests of global marine fisheries in some areas compared with the unsustainable levels of a decade ago. However, overfishing still occurs in many areas.

Target 7. Considerable progress has been made, with many ongoing initiatives to improve the sustainability of agricultural, aquacultural and forestry systems and the development of national certification schemes for agricultural, aquacultural and forestry products. However, while it is clear that efforts to promote the sustainable management of resources are increasing, there is insufficient data, at present, to make a comprehensive assessment of progress towards all elements of this target.

Target 8. Progress has been made, with some countries reducing the run-off of nutrients and developing regulations on a range of pollutants. Work is also being undertaken in the framework of international agreements and conventions to control certain types of chemical pollutants and their movement. However, not all pollutants are covered by such initiatives.

Target 9. Various actions have been taken by parties and other stakeholders, including control and eradication programmes for already established invasive species. Increasingly, countries also have programmes in place to identify invasive alien species before they enter their territory. Such actions, however, need to be significantly scaled up if this target is to be met.

Target 10. Actions that are being taken to reach this target include reducing pollution, overexploitation and harvesting practices, which often show positive effects. However, with the information available at the time of reporting, it is not possible to comprehensively assess progress towards this target.

Target 11. Both the expansion of protected areas and the national targets being adopted by countries suggest that the target of protecting 17 per cent of terrestrial areas is within reach. The 10 per cent target for protection is also within reach for territorial waters. But substantial additional efforts will be needed to achieve the targets in open ocean and deep sea areas, both within and beyond national jurisdiction.

Target 12. Overall, while the actions being taken to prevent the extinction of species are having a positive impact, they will need to be significantly scaled up if Aichi Target 12 is to be reached. Latest assessments suggest that of the more than 70,000 species assessed, 30 per cent are still threatened with extinction and of these, 4,000 are critically endangered.

Target 13. Current assessments suggest that the genetic diversity of cultivated, farmed species, their wild relatives and other socioeconomically important species is still declining. But while significant progress has been made in the ex situ conservation of crops, there has been less progress with in situ conservation and enhanced efforts to conserve genetic diversity are required.

Target 14. Since the Millennium Ecosystem Assessment, published in 2005, many countries have made increased efforts to maintain ecosystem services, but based on current data, it is difficult to assess the overall status of ecosystem services. The development of a major assessment on the status of biodiversity and ecosystem services is currently under consideration by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.

Target 15. There has been some progress in the achievement of Target 15, with growing recognition of ecosystem resilience as an important policy objective for parties. Ecosystem restoration was given further impetus by a decision of the eleventh meeting of the Conference of the Parties to the Convention and the Hyderabad Call for concerted action.

Target 16. Progress towards the achievement of Target 16 is described in paragraphs 81 and 82 above.

Target 17. Over 90 per cent of parties have developed National Biodiversity Strategy and Action Plans and most now are in the process of updating and

aligning them with the current Strategic Plan. However, to meet the target, parties will need to adopt the updated National Biodiversity Strategy and Action Plans as policy instruments, including resource mobilization strategies and monitoring systems for national targets.

Target 18. There has been steady progress towards achieving Target 18, including the adoption of the Nagoya Protocol, which provides protection of traditional knowledge associated with genetic resources, work in the framework of the Convention to develop a plan of action on customary sustainable use of biodiversity, and, at the national level, through increased recognition and support for community conservation areas.

Target 19. For significant progress to be achieved, increased investments in biodiversity data and observations are necessary. The seventeenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice will examine the scientific and technical needs for the achievement of the Aichi Biodiversity Targets. Measures to further promote technical and scientific cooperation among parties will be addressed at the twelfth meeting of the Conference of the Parties to the Convention. Work in the context of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Service will also contribute to the achievement of this target.

Target 20. Recognizing that a substantial increase in financial resources would be necessary for the implementation of the Strategic Plan, the Conference of the Parties to the Convention addressed the issue of financial resources at its eleventh meeting. A detailed report on the breakthrough in reaching an agreement on a doubling of international financial flows by 2015 is given in paragraph 72 above. The strategy for resource mobilization, including targets for domestic resource mobilization, will be further addressed at the twelfth meeting of the Conference of the Parties to the Convention.

Challenges in implementing the Strategic Plan and the Aichi Biodiversity Targets

86. Significant challenges that parties, particularly from developing countries, face in implementing the Strategic Plan and the Aichi Biodiversity Targets include the need for enhanced capacity and the need for human, technical and financial resources. To address such challenges, the secretariat, supported by the Japan Biodiversity Fund, has organized capacity-building workshops to support countries in the updating of National Biodiversity Strategy and Action Plans, the preparation of national reports and the implementation of many programmes of work. Partnerships with United Nations funds and programmes and specialized agencies are also contributing to these efforts. All countries face the need for the active engagement of all sectors of government and society. Timely monitoring of progress towards the achievement of the Aichi Targets is essential to ensure that countries are on track to achieve the Targets, individually and collectively. Support from the international community and the United Nations system through the mainstreaming of biodiversity in the post-2015 development agenda and the sustainable development goals will be crucial for generating and sustaining the momentum required for implementation of the Strategic Plan and the Aichi Targets.

E. Follow-up to the United Nations Conference on Sustainable Development: United Nations Decade on Biodiversity, post-2015 development agenda and sustainable development goal processes

87. As part of its follow-up to the outcome of the United Nations Conference on Sustainable Development, which welcomed the United Nations Decade on Biodiversity as an important framework to promote the engagement of all stakeholders in the conservation and sustainable use of biodiversity, the secretariat has promoted a number of activities. Significant among these were the commemorative events held to mark the International Day for Biological Diversity on 22 May 2013. A panel discussion was organized at United Nations Headquarters on the occasion of the International Day, on the margins of the third session of the Open Working Group on Sustainable Development Goals, with a view to highlighting the important role of biodiversity and ecosystems in ensuring water security and sustainable development. A publication entitled "Natural solutions For water security" (available from www.cbd.int/idb/2013/booklet/), which highlights the role of biodiversity and ecosystems in ensuring water quality, supply and availability, was launched and messages from the Secretary-General and the Chair of UN-Water were widely disseminated. National observances designed to enhance awareness of the linkages between biodiversity and water were also organized in more than 51 countries and over 17 international and United Nations organizations commemorated the International Day.

88. The secretariat is also contributing actively to the preparations initiated by the Task Team to support the deliberations of Member States in the Open Working Group on Sustainable Development Goals, with a view to mainstreaming biodiversity in the consideration of the post-2015 development agenda and the sustainable development goals.

89. The twelfth meeting of the Joint Liaison Group of the Rio Conventions took place on 25 January 2013 and deliberated on measures to enhance collaboration between the secretariats of the Rio Conventions, particularly through the Rio Conventions Pavilion, the Rio Conventions Calendar and joint activities on gender mainstreaming, as well as the post-2015 development agenda. The secretariat of the Convention on Biological Diversity has also entered into partnership with the Global Environment Facility for a pilot project on the implementation of joint activities between the Rio Conventions at the national and subnational level, with some selected countries.

F. Recommendations

90. **The General Assembly, at its sixty-eighth session, may wish to, inter alia:**

(a) **Stress the importance of the follow-up to and implementation of the outcomes of eleventh meeting of the Conference of the Parties to the Convention on Biological Diversity and the sixth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety;**

(b) **Call on all Parties to implement the Strategic Plan and Aichi Biodiversity Targets;**

(c) Invite all parties and relevant United Nations departments, specialized agencies, funds, programmes and regional commissions to contribute to the achievement of the objectives of the United Nations Decade on Biodiversity, 2011-2020;

(d) Call on all States that have not yet done so to ratify or accede to the Convention on Biological Diversity;

(e) Call on all Parties to the Convention, that have not yet done so, to ratify or accede to the Nagoya Protocol;

(f) Call on all parties to the Convention, that have not yet done so, to ratify or accede to the Cartagena Protocol on Biosafety and its Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights in the administration of justice: analysis of the international legal and institutional framework for the protection of all persons deprived of their liberty

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 67/166, provides an analysis of the applicable international legal and institutional framework for the protection of all persons deprived of their liberty and identifies major challenges in this regard. It concludes that, while a comprehensive framework for the protection of all persons deprived of their liberty exists, the main challenges lie in the implementation of relevant norms and standards at the domestic level.

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I. Introduction

1. The General Assembly, in its resolution 67/166 on human rights in the administration of justice, requested the Secretary-General to submit to the Assembly at its sixty-eighth session and to the Human Rights Council at its twenty-fourth session a report on the latest developments, challenges and good practices in human rights in the administration of justice, analysing the international legal and institutional framework for the protection of all persons deprived of their liberty, and on the activities undertaken by the United Nations system as a whole.

2. While international law provides a comprehensive framework for the protection of all persons deprived of their liberty, the reality for many of them in all regions of the world remains alarming. According to recent statistics, more than 10 million people around the world are deprived of their liberty, 3.2 million of them awaiting trial.[1] Deprivation of liberty places individuals in a vulnerable situation and has always been and remains a principal means by which human rights are suppressed and violated.

3. The present report provides an analysis of the applicable legal and institutional framework for the protection of all persons deprived of their liberty and identifies and analyses major challenges in this regard. The report also presents conclusions and recommendations.

II. Framework for the protection of all persons deprived of their liberty

A. Legal framework

1. Relevant treaties

4. The human rights of persons deprived of their liberty are set out in all core international human rights instruments. The International Covenant on Civil and Political Rights provides important protection to persons deprived of their liberty. In particular, its article 9 guarantees the right to security and liberty. Article 7 prohibits the use of torture and other forms of ill-treatment, and article 10 provides that persons deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person. Furthermore, article 14 ensures the right to a fair trial and other procedural guarantees, particularly for persons deprived of their liberty.

5. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits the use of torture and other forms of ill-treatment. The Optional Protocol thereto, aimed at the prevention of torture and other forms of ill-treatment, establishes a system of visits by international and national bodies (the Subcommittee on Prevention of Torture and national preventive mechanisms, respectively) to places of detention. The International Convention for the Protection of All Persons from Enforced Disappearance refers to cases of unacknowledged or concealed deprivation of liberty.

[1] Roy Walmsley, World Prison Population List, 9th ed. (London, International Centre for Prison Studies, 2011); Open Society Justice Initiative Global Campaign for Pretrial Justice, www.pretrialjustice.org.

6. The International Covenant on Economic, Social and Cultural Rights guarantees the enjoyment of economic, social and cultural rights for all, including persons deprived of their liberty. The International Convention on the Elimination of All Forms of Racial Discrimination seeks to eliminate any form of racial discrimination, including in places of detention. The other core international human rights treaties establish and protect the rights of specific groups of persons, including women, children, migrants and persons with disabilities, particularly when those persons are deprived of their liberty.[2]

7. International humanitarian law provides an important framework for the protection of persons deprived of their liberty during armed conflict. In international armed conflicts, the Geneva Convention relative to the Treatment of Prisoners of War sets out in great detail the detention regime and conditions of detention for prisoners of war. The Geneva Convention relative to the Protection of Civilian Persons in Time of War includes rules regarding internment. The Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts, also provides for the protection of prisoners of war and civilians detained or interned in relation to armed conflict. The protection of persons deprived of their liberty in non-international armed conflicts is provided for in common article 3 to the Geneva Conventions of 1949 and by provisions of the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts.

8. International labour norms and standards may be relevant for persons deprived of their liberty. For instance, certain types of labour during imprisonment are covered by the International Labour Organization (ILO) Convention concerning Forced or Compulsory Labour (Convention No. 29) of 1930. Deprivation of liberty of trade unionists is dealt with by ILO mechanisms under the Convention concerning Freedom of Association and Protection of the Right to Organise (Convention No. 87) of 1948.

2. Other relevant standards

9. Specific issues affecting the rights of persons deprived of their liberty are dealt with in various non-binding instruments, including the treatment of prisoners,[3] investigation of torture,[4] non-custodial measures,[5] restorative justice[6] and the protection of women,[7] children[8] and asylum seekers.[9] These instruments represent

[2] Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; Second Optional Protocol to the International Covenant on Civil and Political Rights; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and Convention on the Rights of Persons with Disabilities.

[3] Standard Minimum Rules for the Treatment of Prisoners; Basic Principles for the Treatment of Prisoners; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; safeguards guaranteeing protection of the rights of those facing the death penalty.

[4] Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

[5] United Nations Standard Minimum Rules for Non-custodial Measures.

[6] Basic principles on the use of restorative justice programmes in criminal matters.

[7] United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

[8] United Nations Standard Minimum Rules for the Administration of Juvenile Justice; United Nations Rules for the Protection of Juveniles Deprived of their Liberty; Guidelines for Action on Children in the Criminal Justice System; United Nations Guidelines for the Prevention of Juvenile Delinquency.

[9] Office of the United Nations High Commissioner for Refugees, Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum Seekers.

invaluable guidance for all stakeholders as they assist in shaping the precise content of provisions enshrined in human rights treaties. Human rights mechanisms frequently refer to these instruments in their work. Treaty bodies request States to indicate, in initial and periodic reports, the extent to which they are applying standards included in non-binding instruments, such as the Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and regularly refer to them in their concluding observations and individual communications (see for instance CCPR/C/2009/1, paras. 64-69; CCPR/C/ARG/CO/4, para. 17; CAT/C/4/Rev.3; CCPR/C/51/D/458/1991, para. 9.3; and CEDAW/C/GRC/CO/7, paras. 34-35; see also A/61/311 and A/HRC/8/3).

3. Recent developments

10. In 2010, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) were adopted, and, in December 2012, the General Assembly adopted the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which provide that States should ensure that anyone detained is entitled to legal aid (Assembly resolution 67/187, annex, sect. B, principle 3). In 2012, the Human Rights Council requested the Working Group on Arbitrary Detention to prepare draft basic principles and guidelines, for presentation to the Council in 2015, on remedies and procedures on the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court, with the aim of assisting Member States in fulfilling their obligation to avoid arbitrary deprivation of liberty in compliance with international human rights law (Council resolution 20/16, para. 10). The Standard Minimum Rules for the Treatment of Prisoners are currently under review, with a view to ensuring that the Rules reflect recent advances in correctional sciences and best practices (Assembly resolution 65/230).

B. International human rights mechanisms

1. Treaty bodies

11. Treaty bodies are at the core of the international human rights protection system, including for the rights of persons deprived of their liberty. The Human Rights Committee regularly addresses a wide range of issues related to the protection of persons deprived of their liberty in concluding observations and through the consideration of individual communications. It has also adopted a number of general comments that elaborate on issues relating to deprivation of liberty.[10] In paragraph 2 of its General Comment No. 21, on the humane treatment of persons deprived of liberty, the Committee states that the protection provided by article 10, paragraph 1, of the International Covenant on Civil and Political Rights applies to anyone deprived of liberty under the laws and authority of the State, including persons held in prisons, hospitals, particularly psychiatric hospitals, detention camps, correctional institutions or elsewhere.

12. The Committee against Torture is specifically mandated to examine issues related to the treatment of persons deprived of their liberty and the conditions of their detention. In its general comments, it has elaborated on the issues of

[10] See for example General Comments Nos. 8 (1982), 20 (1992), 21 (1992) and 32 (2007).

non-refoulement (No. 1), the prevention of acts of torture (No. 2) and redress for victims of torture (No. 3). In its reporting guidelines, the Committee requests States to provide information on laws, regulations and instructions concerning the treatment of persons deprived of their liberty (CAT/C/4/Rev.3). The Committee also addresses a number of key issues relating to persons deprived of their liberty in its concluding observations and through its consideration of individual communications. It regularly expresses its concern about treatment and conditions of detention, such as overcrowding, insufficient ventilation and lighting, poor sanitation and hygiene facilities and inadequate access to health care (CAT/C/MDA/CO/2, para. 18; CAT/C/41/D/291/2006, para. 15.4).

13. The Committee on Economic, Social and Cultural Rights has specifically highlighted the importance of guaranteeing the enjoyment of economic, social and cultural rights for persons deprived of their liberty. In various general comments and concluding observations, it has, for instance, addressed the rights of persons deprived of their liberty to the highest attainable standard of health; water; work; social security; and non-discrimination in economic, social and cultural rights.[11]

14. The Committee on the Elimination of Racial Discrimination devoted its General Recommendation No. 31 to the issue of prevention of racial discrimination in the administration and functioning of the criminal justice system. In various general recommendations, it touched upon the issue of racial discrimination against people of African descent (No. 34 (2011), paras. 6 and 39), non-citizens (No. 30 (2004), paras. 20-21) and Roma (No. 27 (2000), para. 13), including when deprived of their liberty. In its reporting guidelines, it requires States to report on measures taken to ensure the right to equal treatment before tribunals and other organs administering justice and the right to security of person, in particular in connection with arrest and detention (CERD/C/2007/1).

15. Treaty bodies monitoring the implementation of treaties dealing with specific groups of persons also refer to the rights of persons deprived of their liberty through general comments, consideration of individual communications, and concluding observations, including by requiring that States report on issues related to detention. For instance, the Committee on the Rights of Persons with Disabilities requires States parties to report on the right to liberty and security of persons with disabilities, as well as their freedom from torture and other ill-treatment (CRPD/C/2/3). The Committee on the Rights of the Child has addressed children's rights in juvenile justice in its General Comment No. 10 (2007). The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, in its concluding observations, expressed concern as to the conditions and length of detention of migrants (CMW/C/CHL/CO/1, para. 26) and at the lack of procedural safeguards concerning decisions on detention (CMW/C/BIH/CO/2, paras. 25 and 27). In its views on an individual communication, the Committee on the Elimination of Discrimination against Women recalled that detention facilities not addressing the specific needs of women constituted discrimination (CEDAW/C/49/D/23/2009, para. 7.5).

16. In addition to the consideration of State party reports and individual communications, the Committee on Enforced Disappearances can also consider

[11] See General Comments Nos. 14, 15 and 18 to 20; and E/C.12/BEN/CO/2, para. 23, E/C.12/POL/CO/5, para. 26, and E/C.12/UKR/CO/5, paras. 26, 28, 29, 49 and 51.

requests submitted by relatives of disappeared persons, their legal representatives and others having a legitimate interest that a disappeared person be sought and found.

17. The Subcommittee on Prevention of Torture was established with a view to strengthening the protection of persons deprived of their liberty against torture and other forms of ill-treatment through a preventive system of regular visits to places of detention. It visits locations under the jurisdiction and control of a State party to the Optional Protocol to the Convention against Torture where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority, at the authority's instigation or with its consent or acquiescence.[12] States parties should provide the Subcommittee with unrestricted access to all places of detention, the opportunity to have private interviews with persons deprived of their liberty and information referring to the treatment of those persons and their conditions of detention.[13] Since its establishment in 2006, the Subcommittee has carried out such visits in 17 countries. On the basis of its findings in each State party, the Subcommittee produces a confidential report and makes recommendations to States parties.[14] States may authorize the publication of the report.[15]

18. The advisory function of the Subcommittee on Prevention of Torture, which consists of providing assistance and advice to both States parties and national preventive mechanisms,[16] including through advisory visits, is another important aspect of its work. At the time of writing, the Subcommittee had carried out this function in four countries. Furthermore, the Subcommittee carries out follow-up visits.

19. The Subcommittee on Prevention of Torture faces some specific challenges, in particular the increased workload due to the rapid increase in the number of ratifications and accessions to the Optional Protocol. Although its membership expanded to 25 in January 2011, the Subcommittee has been able to undertake only three regular field visits each year, meaning that each State party can be regularly visited only once in 22 years. It is therefore imperative that priority be given to increasing the resources of the Subcommittee to enable it to adequately fulfil its important mandate to visit places of detention in all States parties, thus giving full effect to the obligations contained in the Optional Protocol to the Convention against Torture.

2. Special procedures

20. A significant number of thematic mandates have addressed issues relating to persons deprived of their liberty in their thematic and mission reports. The majority of country mandates have also covered detention-related issues in their reports (see for example A/HRC/4/36, A/HRC/7/25, A/HRC/10/19, A/HRC/11/5, A/HRC/17/42 and A/HRC/18/40).

[12] Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, art. 4, para. 1.

[13] Ibid., art. 14, para. 1, subparas. (a) to (d).

[14] Ibid., art. 11, para. 1 (a).

[15] Ibid., art. 16, para. 2.

[16] Ibid., art. 11, para. 1 (b).

21. The Working Group on Arbitrary Detention is mandated to investigate cases of deprivation of liberty imposed arbitrarily but also deals with a number of thematic issues relevant to the protection of persons deprived of liberty. It has concluded that many persons deprived of their liberty do not have access to substantive, procedural and institutional guarantees to secure all their rights (A/HRC/10/21, para. 46). The Working Group also formulates deliberations aimed at assisting States in guarding against the practice of arbitrary deprivation of liberty.

22. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment regularly examines issues relating to the treatment of persons deprived of their liberty, including incommunicado detention (A/54/426), gender-specific forms of torture (A/HRC/7/3), minimum sanitary and hygienic conditions (A/HRC/16/52/Add.3) and understaffing of prisons (A/HRC/7/3/Add.3). The Special Rapporteur on the independence of judges and lawyers addresses procedural rights, such as the right to challenge the legality of detention (E/CN.4/2006/120) and to be assisted by a lawyer (A/HRC/4/25/Add.2). The Special Rapporteur on extrajudicial, summary or arbitrary executions regularly addresses the issue of death in custody (A/HRC/14/24, A/61/311), the control of prisons by prisoners (A/HRC/8/3, A/HRC/11/2/Add.2) and physical abuse by guards and inmates (A/HRC/11/2/Add.2).

23. Other special procedures have addressed the protection of persons deprived of their liberty from the perspective of their mandates. For instance, the Special Rapporteur on the right to education addresses the right to education of persons deprived of their liberty (A/HRC/11/8). The Special Rapporteur on violence against women, its causes and consequences addresses issues relating to the protection of women from violence while deprived of their liberty. The Special Rapporteur on the human rights of migrants regularly focuses on the rights of migrants in detention, including legality of detention of migrants, procedural safeguards, conditions of detention, duration of detention, places of detention, groups of migrants requiring special attention while in detention and alternatives to detention (A/HRC/20/24). The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has also dealt with issues relating to the protection of persons deprived of their liberty, in particular access to courts by persons in detention, review of continued preventive or investigative detention, fair trial guarantees of persons being detained (A/63/223) and rendition to places of secret detention (A/HRC/6/17/Add.3).[17]

24. The geographic scope of the work of thematic mandates is not restricted by the need for ratification of human rights treaties. In addition, special procedures mechanisms can act on an individual communication even without prior exhaustion of domestic remedies. However, while thematic mandates have a global reach and may raise issues of concern through correspondence with any Government, country visits are subject to an invitation by the concerned State. Another challenge raised

[17] Other mandates that have addressed the rights of persons deprived of their liberty include the Working Group on the Use of Mercenaries, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Independent Expert on minority issues.

by some mandate holders is the lack of sufficient resources available to support the conduct of more than a few country visits during a given year (A/HRC/14/24).

25. Special procedures have worked together on numerous occasions on issues of common interest, including detention-related matters. Some 75 per cent of allegation letters and urgent appeals are jointly sent by two or more mandates.[18] Mandate holders have also addressed cross-cutting issues through joint reports. In 2010, four of them issued a joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), and, in 2006, five thematic mandates drafted a joint report on the situation of detainees at Guantanamo Bay (E/CN.4/2006/120). The annual meetings of treaty body chairpersons and special procedures mandate holders are also aimed at improving cooperation and the effectiveness of the two sets of human rights mechanisms. These forums could provide an opportunity to explore further joint initiatives in relation to the protection of persons deprived of their liberty.

3. Universal periodic review

26. In the course of the first cycle of the universal periodic review completed in 2011, numerous recommendations were addressed to States regarding the protection of persons deprived of their liberty. It was recommended that States: improve overall conditions of detention (A/HRC/17/17, para. 77.54); protect women (A/HRC/17/11, para. 106.35) and children (A/HRC/8/34, para. 64) in places of deprivation of liberty; eliminate the excessive use of force in holding areas for migrants (A/HRC/8/47, para. 60); and review legislation and policies to reduce the widespread use and excessive length of pretrial detention (A/HRC/16/6, paras. 69.22 and 70.14). Other recommendations concerned the extension of invitations for country visits to relevant special procedures mandate holders (A/HRC/12/11, para. 100; A/HRC/16/15, para. 95.10); unrestricted access to all detention facilities for independent human rights monitors (A/HRC/17/9, para. 107.32); and the review of conditions of places of deprivation of liberty as to whether they comply with international norms and standards, such as the Standard Minimum Rules for the Treatment of Prisoners (A/HRC/12/5, para. 82, recommendation 24; A/HRC/8/30, para. 54, recommendation 9). During the second cycle of the universal periodic review, States are expected to provide information on the implementation of the recommendations made during the first cycle, including all recommendations relating to the protection of persons deprived of their liberty.

4. Recent developments

27. With the recent entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights now has the possibility to receive and consider individual communications, including from persons deprived of their liberty.

28. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted General Comment No. 2, on the rights of migrant workers in an irregular situation and members of their families, in 2013, addressing, inter alia, administrative detention, non-discrimination, protection

[18] Office of the United Nations High Commissioner for Human Rights, "United Nations special procedures: facts and figures 2012". Available from www.ohchr.org/Documents/HRBodies/SP/Facts_Figures2012.pdf.

against violence, arbitrary arrest and detention, inhumane conditions of detention, and arbitrary expulsions. In 2012, the Working Group on Arbitrary Detention adopted Deliberation No. 9, which focuses on the definition and scope of arbitrary deprivation of liberty under customary international law (A/HRC/22/44). The Human Rights Committee is currently in the process of elaborating a new general comment on article 9 of the International Covenant on Civil and Political Rights, on the right to liberty and security of person.

29. In 2012, the Committee on the Elimination of Discrimination against Women held a day of general discussion on access to justice for women,[19] and in 2011 the Committee on the Rights of the Child held a day of general discussion on the issue of children of incarcerated parents.[20]

30. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is active in promoting the protection of all rights of persons deprived of their liberty. OHCHR, in particular through its field presence, conducts visits to places of deprivation of liberty to monitor conditions of and the legal basis for detention. It provides advice on legal and policy reforms needed to ensure compliance with international norms and standards relating to deprivation of liberty. OHCHR also advocates for the protection of the rights of persons deprived of their liberty, including their right to judicial review, and provides training to judges, prosecutors, lawyers and corrections officers on relevant international norms and standards.

C. Other entities dealing with the protection of persons deprived of their liberty

31. Other United Nations entities also work towards the protection of persons deprived of their liberty. The United Nations Office for Project Services provides assistance to States in the design and construction of detention facilities that meet international standards.[21] The United Nations Office on Drugs and Crime provides assistance to States in the area of prison reform and alternatives to imprisonment.[22] The United Nations Children's Fund is active in working on issues linked to the protection of children in conflict with the law, for instance by promoting non-custodial measures and conducting training courses for officials from the justice system.[23] The Department of Peacekeeping Operations of the Secretariat contributes to the protection of the rights of prisoners by providing assistance to national prison systems in post-conflict States.[24] The Office of the United Nations High Commissioner for Refugees works to protect refugees, asylum seekers, stateless persons and other migrants deprived of their liberty, for instance through the development of guidelines directed at Governments on the detention of asylum seekers and alternatives to detention.[9]

[19] www.ohchr.org/EN/HRBodies/CEDAW/Pages/Accesstojustice.aspx.

[20] See the report on and recommendations from the day of general discussion on children of incarcerated parents, available from www2.ohchr.org/english/bodies/crc/docs/discussion/2011CRCDGDReport.pdf.

[21] www.unops.org/english/whatwedo/services/physical-infrastructure/experience-capacity/Pages/Prisons.aspx.

[22] www.unodc.org/unodc/en/justice-and-prison-reform/criminaljusticereform.html.

[23] www.unicef.org/protection/57929_57999.html.

[24] www.un.org/en/peacekeeping/issues/ruleoflaw/corrections.shtml.

32. The International Committee of the Red Cross (ICRC) plays an important role in the protection of persons deprived of their liberty in the context of international and non-international armed conflict. The Third Geneva Convention of 1949, in its articles 125 and 126, provides that the special position of ICRC will be recognized in relation to visits and the provision of relief to prisoners of war and that its delegates shall have permission to go to all places where prisoners of war may be. The Fourth Geneva Convention of 1949 contains the same provision in its articles 142 and 143 with regard to civilian internees. The thirty-first International Conference of the Red Cross and Red Crescent, in paragraph 6 of its resolution 1, invited ICRC to pursue further research, consultation and discussion to ensure that international humanitarian law remains practical and relevant in providing legal protection to all persons deprived of their liberty in relation to armed conflict.

33. The supervisory mechanisms of ILO have addressed issues relevant to persons deprived of their liberty. Its Committee on Freedom of Association has dealt with issues in relation to trade unionists, such as arrest, detention, bringing of charges and sentencing to imprisonment, preventive detention, detention during a state of emergency, internment in psychiatric hospitals and their physical and moral integrity.[25]

III. Challenges

34. On the basis of a survey of the work and findings of human rights treaty bodies and special procedures, a number of important challenges relating to the protection of persons deprived of their liberty were identified, in particular judicial oversight, overuse of detention (in particular concerning pretrial detention and detention of migrants), overcrowding in detention facilities, death and cases of serious injury in detention, and the protection of groups with distinct needs, including women, children and persons with disabilities.

A. Judicial oversight

35. A key element in the protection of the rights of persons deprived of their liberty is the judicial oversight of both the legality and conditions of their detention. While article 9, paragraph 4, of the International Covenant on Civil and Political Rights provides the right for anyone deprived of his or her liberty to take proceedings before a court in order for it to decide on the lawfulness of his or her detention, the lack of adequate judicial oversight is frequently raised as a concern by human rights mechanisms. It is important to note that judicial oversight of legality of detention not only is essential for assessing whether a person is deprived of his or her liberty arbitrarily but also serves to ensure the protection of his or her other rights. The lack of such judicial oversight can facilitate torture and ill-treatment (CAT/C/PHL/CO/2, CAT/C/YEM/CO/2/Rev.1, CAT/C/ETH/CO/1).

36. The mere absence of a remedy of habeas corpus has been considered as a human rights violation, as it deprives the individual of the right to protection from arbitrary detention (A/HRC/19/57, para. 61). However, the existence of a

[25] ILO, *Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of ILO*, 5th (revised) ed. (Geneva, 2006).

mechanism ensuring judicial oversight of the legality of detention is not sufficient; it must also be effective. The body conducting the judicial review must not only be able to determine the legality of detention but also have the power to order release if it is determined that the detention is not lawful.[26] The review must take place promptly (A/HRC/6/17/Add.2, para. 77) and must be conducted by an independent body (E/CN.4/2006/120, para. 30). Moreover, effective access to judicial review of detention must be ensured, including through legal aid (A/HRC/10/21, para. 46).

37. Judicial oversight of the legality of detention is not limited to criminal procedure but extends to all forms of deprivation of liberty. For instance, human rights mechanisms have expressed concern regarding detention justified by medical or public health grounds, which is often not subject to judicial supervision (E/CN.4/2004/3, paras. 74 and 87). The inability of migrants deprived of their liberty to effectively exercise their right to challenge their detention based on immigration laws, and limited access to procedural safeguards, such as legal aid and adequate interpretation services (A/HRC/17/33/Add.4, para. 59; A/HRC/20/24, para. 15; CMW/C/BIH/CO/2, para. 25), have also been identified as a cause for concern.

38. In addition to difficulties regarding the legality of detention, human rights mechanisms have highlighted the importance of judicial oversight of conditions of detention and recommended that States provide for such oversight (CAT/C/CR/28/7, para. 6; CAT/C/TJK/CO/1, para. 7). Without access to judicial remedies, persons deprived of their liberty are at heightened risk of suffering abuse of authority, humiliation, ill-treatment and other unacceptable deprivations of rights (A/HRC/10/21, para. 47). It has also been noted that custodial deaths occur in the context of extremely poor prison conditions and nearly non-existent prison oversight (A/HRC/11/2/Add.3, para. 47). Finally, the right of detainees to lodge complaints and appeal to an independent, readily accessible body against disciplinary punishment has also been highlighted (CCPR/CO/81/BEL, paras. 20 and 22).

B. Overuse of detention

39. As the Working Group on Arbitrary Detention has pointed out, while States enjoy a wide margin of discretion in their choice of penal policy, the right to liberty of persons laid down in article 9 of the International Covenant on Civil and Political Rights requires that, as a basic principle, States have recourse to deprivation of liberty only insofar as it is necessary to meet a pressing societal need, and in a manner proportionate to that need (E/CN.4/2006/7, para. 63).

1. Pretrial detention

40. In some countries, pretrial detainees make up the majority of detainees.[27] For the purpose of the present report, pretrial detention covers any form of custody or confinement by law enforcement officials from the time of arrest until a person has been formally tried by a court. While international standards permit detention before

[26] International Covenant on Civil and Political Rights, art. 9, para. 4.

[27] International Centre for Prison Studies, "Entire world — pretrial detainees/remand prisoners (percentage of the prison population)", World Prison Brief database. Available from www.prisonstudies.org/info/worldbrief/wpb_stats.php?area=all&category=wb_pretrial.

trial under certain limited circumstances, pretrial detention must be exceptional and as short as possible.[28]

41. Human rights mechanisms have identified a number of problems in practice relating to pretrial detention, particularly that it is used not only in exceptional circumstances (A/HRC/19/57, para. 48; CAT/OP/MEX/1, paras. 212 ff.; CRC/C/15/Add.237, para. 76; A/HRC/13/39/Add.5, para. 235). In a number of countries, pretrial detention is used for minor offences. Furthermore, decisions on pretrial detention are often taken without considering the personal circumstances of defendants (A/HRC/11/41/Add.2, para. 35). Moreover, alternatives to detention, such as bail or recognizance, are often not sufficiently considered (A/HRC/4/33/Add.3, paras. 30 and 72 (s); A/HRC/7/3/Add.3, para. 65; A/HRC/16/47/Add.3, para. 73), and proceedings last far too long in many countries (A/HRC/10/11/Add.2, para. 53). These factors also frequently lead to an excessive length of pretrial detention (A/HRC/16/52/Add.3, para. 70; A/HRC/19/57, para. 48; CAT/C/CRI/CO/2, para. 5; CAT/OP/BEN/1, para. 156).[29] Some pretrial detainees spend years in prison without trial (E/CN.4/2006/53/Add.4, para. 93), sometimes even exceeding the maximum penalty possible in relation to the crime of which they are suspected (A/HRC/13/39/Add.5, para. 235). Policies and practices resulting in the widespread use and excessive length of pretrial detention are also among the main reasons for the overcrowding of prisons (CCPR/C/TUR/CO/1, para. 17; CCPR/C/CPV/CO/1, para. 14).

42. Pretrial detainees face a heightened risk of being tortured or ill-treated (CAT/C/LVA/CO/2, para. 10; CAT/C/BLR/CO/4, para. 10) for the purpose of gaining information or a confession (A/HRC/4/33/Add.3, paras. 29-30 and 57; CAT/C/TJK/CO/2, para. 9) or to coerce detainees into cooperating in an investigation (A/HRC/10/44/Add.2, para. 41). Concerns have been raised that pretrial detainees are held with sentenced prisoners (CAT/OP/BEN/1, para. 154). Human rights mechanisms have also found that due process guarantees are often violated: pretrial detainees are left in detention without access to a lawyer or legal aid and without being brought before a judge (CAT/C/RWA/CO/1, para. 12). They are also left without access to independent medical examination or to their family (CAT/C/NPL/CO/2, para. 21; CAT/C/BLR/CO/4, para. 6; CAT/C/ALB/CO/2, para. 13). The lack of registration systems in some countries is also problematic (CAT/C/RWA/CO/1, para. 12). Finally, it has also been highlighted that pretrial detention disproportionately affects groups that have difficulty meeting the criteria for parole, in particular the poor, the homeless, drug users, substances abusers, alcoholics, the chronically unemployed, persons suffering from mental disability and non-citizens (CERD/C/AUT/CO/18-20, para. 13; E/CN.4/2006/7, para. 66).[30]

[28] International Covenant of Civil and Political Rights, art. 9, para. 3. Pretrial detention must be based on an individualized determination that it is reasonable and necessary in all circumstances for the purpose of preventing flight, interference with the lawful collection of (incriminating) evidence or intimidation of witnesses and the recurrence of crime; see CCPR/C/39/D/305/1988, para. 5.8; CCPR/C/99/D/1369/2005, para. 8.3.

[29] On the average length of pretrial detention in member States of the European Union, see European Commission, "Accompanying document to the proposal for a Council framework decision on the European supervision order in pretrial procedures between member States of the European Union: impact assessment", 29 August 2006.

[30] See also European Commission, "Accompanying document to the proposal for a Council framework decision on the European supervision order in pretrial procedures between member States of the European Union: impact assessment".

2. Detention of migrants

43. Migrants face a particular risk of systematic and extensive detention. Different categories of migrants may be subjected to detention, including migrants who are undocumented or in an irregular situation, asylum seekers awaiting the outcome of their asylum application, failed asylum seekers awaiting removal and refugees (A/HRC/20/24, para. 8).

44. All persons, regardless of their status, have the right not to be subjected, individually or collectively, to arbitrary arrest or detention and the right not to be deprived of liberty except on such grounds and in accordance with such procedures as established by law.[31] They also have the right to be treated humanely when deprived of their liberty.[32]

45. As noted by the Special Rapporteur on the human rights of migrants, increasingly tough detention policies have been introduced over the past 20 years in countries around the world. States use a wide range of reasons to justify the detention of irregular migrants, including portraying them as a national security threat or as criminals. However, empirical evidence does not show that detention deters irregular migration or discourages persons from seeking asylum. In addition, detention of migrants remains far less regulated and monitored than criminal detention. In that context, human rights are often neglected (A/HRC/20/24, para. 8; see also A/HRC/13/30, para. 55).

46. Human rights mechanisms have emphasized the mandatory or systematic detention of migrants, including families and children, as a major issue of concern (A/HRC/7/12/Add.2, paras. 68 ff.; A/HRC/23/46/Add.4, paras. 51 and 62; A/HRC/17/33/Add.3, para. 49; CRC/C/GBR/CO/4, para. 70). Moreover, the grounds for their detention, its duration, detention conditions and access to safeguards are not always sufficiently established in law (A/HRC/23/46/Add.2, para. 42). The excessive length of detention of migrants has also been highlighted as problematic (CMW/C/CHL/CO/1, para. 26; A/HRC/20/24, para. 21; CEDAW/C/MYS/CO/2, para. 27; A/HRC/7/4, para. 46). Concerns have been raised about the harsh conditions and treatment of migrants while in detention (A/HRC/20/24/Add.1, para. 60; CMW/C/CHL/CO/1, para. 27; A/HRC/23/46/Add.3, paras. 63 ff.; A/HRC/7/4, para. 49), including their placement with persons accused or convicted of crimes and the lack of separation between young people and adults in detention (CMW/C/SEN/CO/1, para. 15; CMW/C/ECU/CO/2, para. 31). Moreover, the lack of procedural safeguards concerning decisions on detention, including limited access to information and legal assistance or consular services, little or no professional interpretation services and failure to respect the right to family visits, is frequently highlighted by human rights mechanisms (CMW/C/BIH/CO/2, paras. 25-27; A/HRC/23/46/Add.4, para. 54).

[31] International Covenant on Civil and Political Rights, art. 9, and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 16, paras. 1 and 4.

[32] International Covenant on Civil and Political Rights, art. 10, and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 17.

C. Overcrowding

47. Overcrowding in places of deprivation of liberty constitutes a frequent and severe problem across the globe. Capacities in many prisons are often exceeded (CCPR/CO/83/GRC, para. 12; CAT/C/MDA/CO/2, para. 18; E/C.12/BEN/CO/2, para. 23; A/HRC/18/35/Add.6, para. 58; A/HRC/17/42, para. 51; A/HRC/22/53/Add.2, paras. 46-47). While overcrowding is mostly addressed in the context of imprisonment, human rights mechanisms have also examined cases of overcrowding, for instance in psychiatric hospitals and migrant detention centres (CAT/C/RUS/CO/4, para. 18; A/HRC/11/7/Add.2, para. 62).

48. Article 10 of the International Covenant on Civil and Political Rights lays down the fundamental rule that all persons deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person. As the Human Rights Committee has pointed out in paragraph 3 of its General Comment No. 21, persons deprived of their liberty may not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty. Moreover, respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons. Rules 9 to 22 of the Standard Minimum Rules for the Treatment of Prisoners provide further guidelines on the minimum requirements for accommodation and living conditions in places of deprivation of liberty.

49. Overcrowding inevitably has an adverse impact on conditions in places of deprivation of liberty and leads to serious violations of human rights, such as denial or lack of access to medical care, food, sanitation, security and rehabilitation services (A/HRC/22/53/Add.2, para. 47; CAT/C/SLV/CO/2, para. 17; A/HRC/7/3/Add.3, para. 64; E/C.12/IND/CO/5, para. 35). It has also been mentioned that overcrowded cells in prisons foster the development of an offender subculture, which is difficult for prison staff to control. Detainees lack space for privacy, and the risk of intimidation and inter-prisoner violence is high (A/HRC/7/3/Add.3, para. 65). In addition, overcrowding seems to facilitate corruption in several ways, including payment for moving to less populated cells (A/HRC/16/47/Add.3, para. 99).

50. Various human rights mechanisms have addressed factors, legal policies and practices leading to the overcrowding of prisons and other places of deprivation of liberty. They include, for instance, frequent delays in the judicial system, poor monitoring of inmate status and release entitlement, the popularity of tougher law and order approaches favouring longer prison terms over alternative measures, and the failure to grant parole (A/HRC/11/2/Add.2, para. 42; A/HRC/16/47/Add.3, para. 77; CCPR/CO/81/BEL, para. 19; CAT/C/CRI/CO/2, para. 6). The overuse of pretrial detention (see paras. 40-42) and the disproportionate length of sentences in relation to the seriousness of offences have been identified as contributing to the overcrowding of prisons (A/HRC/7/3/Add.3, para. 65; A/HRC/16/47/Add.3, para. 77; CCPR/CO/81/BEL, para. 19).

51. While the construction of additional facilities may be appropriate in some cases, it is only a partial remedy and hardly sufficient to resolve the problem (A/HRC/7/3/Add.3, para. 65; CCPR/C/TGO/CO/4, para. 18). Efforts to ease overcrowding should include alternatives to deprivation of liberty, such as mediation, diversion, community service and administrative and monetary sanctions.

D. Death and cases of serious injury in detention

52. As highlighted by the Special Rapporteur on extrajudicial, summary or arbitrary executions in paragraph 42 of his report on his mission to the United States of America (A/HRC/11/2/Add.5), in the custodial environment, a state has a heightened duty to ensure and respect the right to life. Thus, there is a rebuttable presumption of state responsibility — whether through acts of commission or omission — for custodial deaths. The state must affirmatively show that it lacks the responsibility to avoid this inference, and has an obligation to investigate and publicly report its findings and evidence supporting them.

53. Persons deprived of their liberty are at heightened risk of ill-treatment and torture, including through legally sanctioned violence, such as penalties or disciplinary measures prohibited under international human rights law (A/HRC/11/2/Add.3, paras. 45-47; CAT/C/QAT/CO/2, para. 12; CRC/C/BDI/CO/2, para. 39). Violence among prisoners, riots, prison unrest, mass escapes and staff strikes also lead to serious injury and death (CAT/OP/PRY/1, para. 168; CAT/C/SLV/CO/2, para. 18; A/HRC/11/2/Add.2, para. 41). Violations of economic, social and cultural rights, such as chronic malnutrition or lack of food, inhuman sanitary conditions and a lack of access to basic health care, have also been identified among the main reasons for death in detention (E/C.12/COD/CO/4, para. 32; CAT/OP/BEN/1, paras. 221-222; A/HRC/14/24/Add.3, para. 85; A/HRC/20/22/Add.1, para. 52; E/CN.4/2006/53/Add.4, para. 70).

54. The issue of deaths and serious injuries is not limited to prisons but exists in all places of deprivation of liberty. Concerns have been raised regarding, for instance, abuse, ill-treatment and deaths in health-care facilities (A/HRC/22/53) and detention centres for migrants (A/HRC/11/2/Add.5, paras. 28 ff.).

55. Human rights mechanisms have pointed out certain factors conducive to violence and ill-treatment. For instance, medical examinations of detainees in police stations and detention centres are not always carried out (CAT/OP/PRY/1, para. 92; CAT/OP/MDV/1, para. 110). Poor conditions in and administration of places of deprivation of liberty, including prisons run by prisoners (see A/HRC/8/3, paras. 68 ff.) and the lack of sufficient budgetary allocations (see A/HRC/20/22/Add.1, para. 56), overcrowding (A/HRC/11/2/Add.2, para. 42, 44), poor security arrangements (A/HRC/14/24/Add.3, para. 84) and corruption (A/HRC/7/3/Add.7, paras. 37-38; A/HRC/11/2/Add.5, paras. 33 ff.) also contribute to creating an environment prone to violence and abuse. In addition, data on inmate deaths or injuries are often missing, incomplete or inadequate, contributing to a lack of transparency (CAT/OP/MEX/1, para. 173; CAT/OP/MDV/1, para. 115; CAT/OP/BEN/1, para. 223; A/HRC/18/32/Add.2, para. 54). Another crucial factor is the lack of a fully functioning system of independent monitoring of places of deprivation of liberty (CAT/OP/SWE/1, para. 16).

56. The failure to carry out a prompt and impartial investigation into cases of death and serious injury so as to bring perpetrators to justice and provide full and adequate reparation has also been highlighted by human rights mechanisms (CAT/C/KAZ/CO/2, para. 21). Impunity is a consequence of the failure to carry out investigations or to carry them out diligently. A lack of adequate investigations also leads to widespread distrust in the justice system and discourages victims from reporting alleged abuse (CAT/OP/MEX/1, paras. 268-269). Moreover, persons

deprived of their liberty often do not make complaints about ill-treatment or torture, either because they do not know they have the right to do so or because they are afraid of possible reprisals (CAT/OP/PRY/1, para. 99; A/HRC/11/2/Add.2, para. 43). If such incidents are not reported, victims and their families have no possibility of obtaining redress, including medical and psychological treatment and guarantees of non-repetition (CAT/OP/MEX/1, para. 269).

E. Protection of specific groups deprived of their liberty

57. Specific groups, including children, women and persons with disabilities, face particular challenges and have distinct needs when deprived of their liberty.

58. It is estimated that at least 1 million children are in detention worldwide, most of whom have committed only minor offences (A/HRC/21/26, para. 44; CRC/C/15/Add.264, para. 67). The Convention on the Rights of the Child and various other international standards, such as the Beijing Rules (see para. 9 above), provide for an extensive framework for their protection. Accordingly, a child-rights approach to justice primarily entails a justice system that is responsive to children's needs and focuses on the best interest and well-being of the child. Children are entitled to the same rights as adults. As children differ from adults in their physical and psychological development and in their emotional and educational needs, children are also entitled to additional care and protection that accounts for their age. As a basic principle, deprivation of personal liberty must be considered on a very exceptional basis and for the shortest period of time possible.

59. While the legal framework for the human rights of children deprived of their liberty is extensive, human rights mechanisms have highlighted the persistence of a number of problems in practice. It is of concern that the detention of children, including pretrial detention, is rarely used as a measure of last resort. In some States, even very young children may be deprived of their liberty. When children are deprived of their liberty, conditions are often found inadequate and are not adapted to children's needs. For instance, they lack access to adequate education and vocational training in a number of countries. Complaints also concern the inadequacy and insufficiency of training of personnel working with children in the juvenile justice system (A/HRC/21/26, paras. 35 ff.). The fact that during their detention, children are faced with high levels of violence, including sexual violence, and that protection from such violence is not always adequate is of particular concern (see A/HRC/21/25).

60. More than 600,000 women and girls are held in penal institutions around the world.[33] The numbers are increasing. Much of the increase can be explained by a greater severity in sentences rather than an increased number of offences (A/HRC/11/8, para. 47). Complementing relevant international human rights instruments, the Bangkok Rules lay down specific standards for the treatment of women prisoners and offenders aimed at ensuring better and safer conditions in detention and for gender-sensitive care and diversion schemes.

[33] Roy Walmsley, World Female Imprisonment List, 2nd ed. (London, International Centre for Prison Studies, 2012). Available from www.prisonstudies.org/images/news_events/wfil2ndedition.pdf.

61. An underlying problem is the fact that a large proportion of women have been deprived of their liberty for petty crimes. In a number of States, the detention of women is closely related to drug trafficking, in particular for having transported drugs (CEDAW/C/BRA/CO/7, para. 32; A/HRC/17/26/Add.5, paras. 45 and 48). Conditions of detention are often not adapted to women's needs.[34] For instance, women are not supervised by women officers, and gender-specific health care is not available (A/63/38, part two, para. 391). It is also of particular concern that while in detention, women are at heightened risk of experiencing gender-specific violence, including torture (E/CN.4/2006/61/Add.2, para. 57; A/HRC/16/52/Add.5, para. 70; see also E/CN.4/1998/54, paras. 115 ff.). In particular, detention in mixed-sex prisons and the presence of male guards increases their risk of being victims of violence, including sexual violence (CEDAW/C/CAN/CO/7, para. 33; E/CN.4/1999/68/Add.2, para. 55).

62. While the Convention on the Rights of Persons with Disabilities provides that persons with disabilities should enjoy the right to liberty and security of the person on an equal basis with others, they face some unique challenges in the enjoyment of their rights (see E/CN.4/2005/6, paras. 47 ff.; A/HRC/22/53, paras. 11 ff.). Human rights mechanisms have expressed particular concern about cases in which disability is the sole ground for detention (CRPD/C/HUN/CO/1, para. 27; CRPD/C/CHN/CO/1, para. 25) and cases involving the involuntary detention of persons with disabilities, in particular those with "mental health problems" (CRPD/C/PER/CO/1, para. 28). In other cases, persons with disabilities have had their legal capacity lifted or restricted because of their disability (CAT/C/BGR/CO/4-5, para. 19; CCPR/C/RUS/CO/6, para. 19), and decisions on institutional care are sometimes made by the guardian rather than the persons themselves (CRPD/C/HUN/CO/1, para. 27). Once in a situation of deprivation of liberty, persons with disabilities are then faced with poor living conditions (CAT/C/MDA/CO/2, para. 26) and are subjected to mistreatment. For instance, the use of coercive force on psychiatric patients (CCPR/C/NOR/CO/6, para. 10), including the use of enclosed restraint beds (cages/net beds) in institutions as a means to restrain mental health patients, including children (CCPR/C/HRV/CO/2, para. 12), has been highlighted as particularly worrying.

IV. Conclusions and recommendations

63. **More than 10 million persons are deprived of their liberty in the world today, and about 3 million of them are awaiting trial. The international legal framework for the protection of all persons deprived of their liberty is comprehensive. Key issues are dealt with through a large number of treaties, other instruments and related jurisprudence. The International Covenant on Civil and Political Rights, ratified by 167 States, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by 153 States, provide important legal protection for persons deprived of their liberty. The Optional Protocol to the Convention against Torture has**

[34] In that context, the Committee on the Elimination of Discrimination against Women, in paragraph 7.5 of its views concerning communication No. 23/2009 (CEDAW/C/49/D/23/2009), recalled that the fact that detention facilities do not address the specific needs of women constitutes discrimination, within the meaning of article 1 of the Convention.

attained 69 ratifications in just over 10 years since its adoption. States that have not ratified these instruments are invited to do so.

64. Issues relating to the protection of persons deprived of their liberty are raised and dealt with by numerous international mechanisms on a regular basis. This may be considered a challenge to the current machinery, owing to the potential for overlap or risk of lack of coherence between the findings and recommendations of various mechanisms (see A/66/860, sect. 2.3.5). At the same time, the specialized expertise of each mechanism and its capacity to examine issues from different perspectives may also be seen as contributing to an increase in the level of protection for persons deprived of their liberty.

65. However, the reality of persons deprived of their liberty in all regions remains alarming. Therefore, the most important step in the protection of all persons deprived of their liberty is to ensure the implementation of these norms and standards at the national level. Further action by the international community is required, in particular advocacy to increase political will and the provision of support, including technical assistance, to States to ensure or increase the ratification of all relevant binding instruments, ensure adherence to and strengthen the conformity of domestic legislation and policies with international norms and standards, including through national preventive mechanisms. States should also increase cooperation with existing mechanisms, including with regard to reporting obligations, the issuance of invitations for country visits and the implementation of and follow-up to relevant recommendations of all international mechanisms, including the universal periodic review. Furthermore, States should support ongoing efforts to strengthen the work of treaty bodies and special procedures, including by allocating adequate resources to these existing mechanisms.

66. Building upon the initial exploration in the present report of the international legal and institutional framework for the protection of persons deprived of their liberty in accordance with General Assembly resolution 67/166, there is a need for further in-depth analysis of the underlying problems and structural shortcomings relating to many recurrent issues of concern for persons deprived of their liberty identified in the present report: the lack of judicial oversight; the overuse of detention; overcrowding; death and cases of serious injuries in detention; and the protection of groups with distinct needs while deprived of their liberty.

67. In that context, the activities of relevant United Nations agencies furthering the protection of all persons deprived of their liberty should be further explored with a view to strengthening existing coordination and capacity to support States in dealing with the above-mentioned priority issues.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Situation of human rights defenders

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, in accordance with Assembly resolution 66/164.

* A/68/150.

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Report of the Special Rapporteur on the situation of human rights defenders

Summary

The present report is the sixth and last report submitted by the current Special Rapporteur on the situation of human rights defenders to the General Assembly, in accordance with Assembly resolution 66/164 and Human Rights Council resolution 16/5.

Section I of the report contains an introduction. In section II, the Special Rapporteur provides an initial assessment of her achievements, based on the vision she presented to the Assembly in 2008. In section III, she looks at the relationship between large-scale development projects and the activities of human rights defenders. In section IV, she sets out a human rights-based approach to development projects that she believes will allow for the meaningful and safe participation of human rights defenders at all stages of development projects. In section V, she provides conclusions and makes recommendations to various stakeholders, including in the context of the post-2015 development agenda.

I. Introduction

1. The present report is the sixth and last report submitted by the current Special Rapporteur on the situation of human rights defenders to the General Assembly, in accordance with Assembly resolution 66/164 of and Human Rights Council resolution 16/5. After providing an initial assessment of her achievements during the five years of her mandate (section II), the Special Rapporteur looks at the relationship between large-scale development projects and the activities of human rights defenders (section III) and sets out a human rights-based approach to development projects (section IV). Finally, she provides conclusions and makes recommendations (section V).

2. With regard to the thematic focus of the report, large-scale development projects and the activities of human rights defenders, the Special Rapporteur wishes to thank all Member States, national human rights institutions and non-governmental organizations that responded to the questionnaire on the topic. The information provided was taken into account in preparing the present report and the answers to the questionnaire are available from the section on the work of the Special Rapporteur of the website of the Office of the United Nations High Commissioner for Human Rights.[1]

II. Summary of achievements

3. In 2008, the current Special Rapporteur submitted her first report on the situation of human rights defenders to the General Assembly, in which she presented the vision that would guide her activities and shape her approach to the mandate (A/63/288). Five years later, she is in a position to provide a brief assessment of her achievements and point to some of the challenges lying ahead. She intends to provide a comprehensive assessment of her tenure to the Human Rights Council in March 2014.

4. The Special Rapporteur has aimed to contribute to the protection of human rights defenders by analysing trends and challenges affecting them, paying particular attention to those defenders at highest risk of experiencing violations of the rights enshrined in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders). She has also been actively engaged in promoting the Declaration through various means and providing substantive comments on its provisions and on how they should be applied. The Special Rapporteur notes that daunting challenges remain in all parts of the world in terms ensuring that human rights defenders can carry out their peaceful and legitimate activities in a safe and enabling environment, without fear of being subjected to acts of harassment, intimidation or violence of any sort.

5. Since 2008, the Special Rapporteur has submitted 11 thematic reports: six to the General Assembly and five to the Human Rights Council. In these reports, she has analysed trends and challenges affecting human rights defenders, tackling issues such as the right to freedom of association and laws restricting the functioning of

[1] See www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx.

non-governmental organizations (A/64/226), in 2009, and the worrisome trend in the use of legislation to unduly regulate and criminalize the work of human rights defenders (A/67/292), in 2012. After she presented the 2012 report to the Assembly, the Council adopted its resolution 22/6, in which it acknowledged the importance of enabling legal and administrative frameworks in avoiding any criminalization, stigmatization or restrictions of the work of defenders contrary to international human rights law. The Special Rapporteur believes that this landmark resolution represents a clear and commendable stance by the Council in support of a safe and enabling environment for activities carried out in defence of human rights.

6. In 2010, the Special Rapporteur addressed the issue of human rights violations committed by non-State actors (A/65/223), which is explored further in the present report.

7. In her vision, the Special Rapporteur indicated that she would pay particular attention to groups of human rights defenders at particular risk of having their rights violated. In this connection, she has prepared a report on the challenges faced by women defenders and defenders working on women's rights and gender issues (A/HRC/16/44) and a report on the risks faced by defenders working on land and environmental issues, journalists and media workers, and youth and student defenders (A/HRC/19/55).

8. Fulfilling her commitment to analyse obstacles and challenges to defenders' exercise of the rights set out in the Declaration on Human Rights Defenders, the Special Rapporteur provided a substantive interpretation of the Declaration to the General Assembly (A/66/203), a more extensive version of which was published, in 2011, as a document entitled "Commentary to the Declaration on Human Rights Defenders".[2] She has encouraged the translation of the Declaration into a variety of languages and facilitated its dissemination by posting more than 40 versions online.[1]

9. Following extensive consultations with Governments, national human rights institutions and international and regional organizations, the Special Rapporteur developed guidelines for enhancing measures for protecting human rights defenders (see A/HRC/13/22, para. 113). The report containing those guidelines was used as the basis for Human Rights Council resolution 13/13 of 25 March 2010, whereby the Council recognized the immediate need to take concrete steps to prevent threats, harassment, violence, including gender-based violence, and attacks by States and non-State actors against human rights defenders. The Special Rapporteur has also dedicated a report to the role that national human rights institutions can play in the protection of defenders (A/HRC/22/47).

10. As a means of following up on individual cases brought to her attention, the Special Rapporteur has used various forms of communication, including urgent appeals and letters of allegation, to address allegations of violations against defenders and their family members to Governments. Since 2008, she has sent over 1,500 communications, about one third of which on women defenders, to some 130 countries, concerning the situation of more than 2,000 defenders. She has issued over 60 press releases, through which she has publically expressed her concern about the situation of human rights defenders in some 25 countries. To further strengthen follow-up on individual cases, the Special Rapporteur has submitted to

[2] See www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefenders July2011.pdf.

the Human Rights Council a report each year between 2009 and 2013 containing observations on communications to and responses from Governments (see A/HRC/10/12/Add.1, A/HRC/13/22/Add.1, A/HRC/16/44/Add.1, A/HRC/19/55/Add.2 and A/HRC/22/47/Add.4).

11. In order to enhance collaboration with various stakeholders, including Governments, the Special Rapporteur has conducted 10 country visits to nine different countries since 2008, namely Armenia (2010), Colombia (in 2009, as a follow-up visit), the Democratic Republic of Congo (2009), Honduras (2012), India (2011), Ireland (2012), the Republic of Korea (2013), Tunisia (2012) and Togo (in 2008 and 2013, as a follow-up visit). These visits have provided her with an opportunity to assess the situation of defenders on the ground, collect first-hand information and testimonies about the challenges and opportunities they face and promote cooperation and dialogue between stakeholders and duty bearers.

12. The Special Rapporteur has continuously made efforts to cooperate with regional mechanisms with a mandate to protect human rights defenders through meetings, continuous communication and joint press releases. She has also conducted two joint country visits with the Special Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples' Rights, to Togo in 2008 (A/HRC/10/12/Add.2) and to Tunisia in 2012 (A/HRC/22/47/Add.2).

13. Finally, the Special Rapporteur has paid attention to the universal periodic review as a mechanism that could offer human rights defenders visibility and protection and improve their situation (A/HRC/10/12). She did so as part of a wider effort to ensure that human rights defenders have unhindered access to international mechanisms, especially the United Nations and its representatives in the field of human rights, as enshrined in the Declaration on Human Rights Defenders and Human Rights Council resolution 12/2. The Special Rapporteur remains very concerned about acts of reprisal and harassment and about the criminalization of human rights defenders in this context, and urges Member States to ensure that such unacceptable acts are properly investigated, that perpetrators are brought to justice and that any legislation that criminalizes activities carried out in defence of human rights through cooperation with international mechanisms is repealed.

III. Relationship between large-scale development projects and the activities of human rights defenders

14. For the purposes of the present report, the term "large-scale development projects" refers to the acquisition, lease or transfer of land or natural resources for commercial investment purposes. The Special Rapporteur does not identify a specific threshold for what should constitute "large-scale" but considers the impact of a project on its surroundings, specifically with regard to the human rights of affected communities and those defending the rights of those communities, to be a key factor.

15. Both the Special Rapporteur and the Special Representative of the Secretary-General on Human Rights Defenders have repeatedly reported on the extraordinary risks faced by those defending the rights of local communities, including indigenous peoples, minorities and people living in poverty. These human rights defenders commonly face threats, harassment, intimidation, criminalization and physical

attacks. The Special Rapporteur and the Special Representative have observed that human rights defenders are commonly branded as being against development if their actions oppose the implementation of development projects that have a direct impact on natural resources, the land and the environment. Examples of such projects include the construction of hydroelectric power stations, electric pylons, dams, highways and cement factories, and the operations of various extractive industries. Human rights defenders also speak out against forced evictions that occur in connection to development programmes and projects.

16. Rather than demonstrating opposition to development, such actions should be seen as legitimate attempts to defend the rights of those affected directly and indirectly by development projects and policies, as long as they are pursued through peaceful means. Resistance evokes a number of human rights issues, including with regard to the right to freely pursue one's economic, social and cultural development and the right not to be discriminated. Moreover, resistance can be viewed in connection with the rights to participate in the conduct of public affairs and to access information. It can also be framed as a legitimate effort to pursue the highest attainable standard of living and adequate housing and to defend one's privacy. The Special Rapporteur is of the opinion that human rights defenders and the communities whose rights they defend are free to oppose development projects through the exercise of their fundamental rights and that restrictions on those rights have to be applied in accordance with national legislation and the State's international human rights obligations. The Special Rapporteur provided observations on national legislation in her 2012 report to the General Assembly (A/67/292).

A. Background

17. The Special Representative of the Secretary-General on Human Rights Defenders addressed the risks and challenges faced by defenders working on economic, social and cultural rights in her 2007 report to the Human Rights Council. In the report, she underlined the heightened risks faced by defenders working on land rights, natural resources and environmental issues, and those campaigning against illegal or forced evictions. She also noted that defenders working on land rights and natural resources comprised the second group of defenders most at risk of being killed (A/HRC/4/37).

18. Since 2007, the situation with regard to that group of defenders seems to have worsened. In 2010, the Special Rapporteur reported on the violations committed by private corporations and businesses, which were among the non-State actors she identified as committing violations against human rights defenders. She pointed to instances in which security guards employed by oil and mining companies had allegedly threatened to kill, harassed and attacked human rights defenders protesting against the perceived negative impact of corporate activities on the enjoyment of human rights by local communities. She also highlighted cases in which local authorities had allegedly colluded with the private sector and cases in which private companies had aided and abetted the commission of violations against human rights defenders (A/65/223, paras. 10 and 11).

19. In her 2012 report to the Human Rights Council, which was devoted to groups at risk, the Special Rapporteur highlighted the dangers and challenges faced by

defenders working on land and environmental issues, including in connection with the activities of extractive industries and construction and development projects (A/HRC/19/55, para. 64). She pointed out that the main context in which violations against such defenders generally occurred was that of ongoing land disputes with both State and non-State actors, including multinational corporations and private security companies. The Special Rapporteur expressed serious concern about the risks faced by this group of defenders and noted that those defenders were highly exposed to attacks to their physical integrity and that many of them were killed. She highlighted that the stigmatization they suffered from State and non-State actors was a factor that might encourage rejection of or even violence against defenders (A/HRC/19/55, paras. 65 and 66, 117, 123 and 125).

20. The Special Rapporteur notes that the Working Group on the issue of human rights and transnational corporations and other business enterprises reported to the Human Rights Council that it had received an especially large number of cases involving conflicts between local communities and businesses over land and resources, noting that in many reports conflicts had led to the harassment and persecution of human rights defenders investigating, protesting and seeking accountability and access to remedies for victims of alleged abuses linked to business activities (A/HRC/23/32, para. 13).

B. Reasoning and approach of the Special Rapporteur regarding the relationship between large-scale development projects and the activities of human rights defenders

21. Development policy should contribute to increased respect for the human rights of those targeted and affected and strengthen their capacity to lead their lives in a dignified manner. It should be an instrument for doing more than just promote economic growth and meet basic needs: it should aim to expand people's choices, focusing especially on disadvantaged and vulnerable people.[3] Its ultimate aim should be to empower people, especially those most marginalized, to participate in policy formulation and hold accountable those who have a duty and a responsibility to act.

22. The human rights-based approach to development is built on the explicit identification of rights holders, and their entitlements, and of duty bearers, and their obligations. It grounds the development analysis in the realm of enforceable obligations and respect for internationally agreed norms, principles and standards. In order for policies and projects to effectively attain their desired results in a sustainable manner, consideration needs to be given to the human rights aspect.

23. It is during the policymaking phase that human rights standards are operationalized and State obligations materialize for local communities. For this to happen, those affected must effectively take part in the policymaking process. Human rights defenders are among the best placed to make the connections between human rights and development programming, as they are often at the heart of social dialogue and interactions between citizens and the Government at the local and

[3] United Nations Development Programme, *Human Development Report 2011: Sustainability and Equity — A Better Future for All* (Basingstoke, United Kingdom, Palgrave Macmillan, 2011). Available from http://hdr.undp.org/en/reports/global/hdr2011/download.

community levels. It is therefore vital that Governments and other relevant actors facilitate the participation of human rights defenders in the development of policies or projects, as well as in their implementation and evaluation.

24. The severe risks and violations that human rights defenders face when they become involved in large-scale development projects, however, make it very difficult for them to assume such a role. It is for that reason that the Special Rapporteur has chosen to focus on the relationship between large-scale development projects and the activities of human rights defenders in the present report. She believes that applying a human rights-based approach to development policy and projects contributes to creating the conditions necessary for human rights defenders to safely and effectively participate in the design of development policies and projects, as well as in their implementation, monitoring and evaluation, and to ensure the sustainability of such initiatives and their compliance with human rights.

25. The Special Rapporteur also believes that this topic is timely given the current deliberations on the post-2015 development agenda. Adopting a human rights-based approach in this context can make it easier for human rights defenders to participate in and make important contributions to the development of a sustainable and people-centred development framework, including by ensuring accountability of duty bearers.

C. Normative framework

26. The main elements of the human rights-based approach, in particular when applied to development policy and projects, are enshrined in different international instruments and standards. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in their article 1, both state:

> All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

27. On the issue of participation, article 25 (a) of the International Covenant on Civil and Political Rights enshrines the right of citizens to participate, directly or indirectly and without unreasonable restrictions, in the conduct of public affairs. Article 8 of the Declaration on Human Rights Defenders provides that everyone has the right, individually or in association with others and on a non-discriminatory basis, to participate in the conduct of public affairs. That right is said to include the right to submit to governmental bodies and agencies concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

28. Instruments protecting the rights of specific populations also guarantee to those concerned the right to participation. The obligation of consulting with the objective of obtaining the free, prior and informed consent of indigenous peoples

through their own representative institutions whenever consideration is being given to legislative or administrative measures that may affect them directly is established in the United Nations Declaration on the Rights of Indigenous Peoples (General Assembly resolution 61/295, annex, articles 18 and 27) and in the Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169) of the International Labour Organization. Furthermore, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities provides for the right of minorities to participate in decision-making and the obligation of States to ensure such participation, including in economic progress and development (Assembly resolution 47/135, annex, articles 2 and 4).

29. The issues of transparency and access to information are directly linked to the right to seek, obtain and impart information, which is enshrined in article 19 of the International Covenant on Civil and Political Rights. Specifically, paragraph 2 of that article establishes that everyone should be free to seek, receive and impart information and ideas of all kinds. Article 6 of the Declaration on Human Rights Defenders elaborates on this right, establishing that everyone has the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.[4] Article 14 of the Declaration stipulates that States have the responsibility to take legislative, judicial and administrative measures to promote the understanding by all persons under their jurisdiction of their human rights, including through the publication and widespread availability of laws and regulations.

30. With regard to the State's responsibility to protect, the right to life, liberty and security of person is enshrined in article 3 of the Universal Declaration of Human Rights and in articles 6 (1) and 9 (1) of the International Covenant on Civil and Political Rights. This obligation is further emphasized in the Declaration on Human Rights Defenders, in particular in its articles 2, 9 and 12, which elaborate on the State's primary responsibility and duty to protect all human rights, which is established in article 2 of the Covenant. Both negative and positive aspects are included: on the one hand, States must refrain from violating the rights of human rights defenders; on the other hand, they should act with due diligence to prevent, investigate and bring to justice the perpetrators of any violation of the rights enshrined in the Declaration on Human Rights Defenders. Moreover, States bear the primary responsibility for protecting individuals, including human rights defenders, under their jurisdiction, regardless of the status of the alleged perpetrators (A/HRC/13/22, para. 42).

31. The State's obligation to provide an effective remedy for human rights violations is enshrined in article 2 (3) (a) of the International Covenant on Civil and Political Rights. Article 9 of the Declaration on Human Rights Defenders further underscores that everyone performing activities in defence of human rights has the right to benefit from an effective remedy and to be protected in the event of

[4] See also article 21 (1) of the Universal Declaration of Human Rights; article 5 (c) of the Convention on the Elimination of All Forms of Racial Discrimination; article 7 (b) of the Convention on the Elimination of All Forms of Discrimination against Women; article 23 (1) (a) of the American Convention on Human Rights; article 13 (1) of the African Charter on Human and Peoples' Rights; and general comment No. 25 of the Human Rights Committee on article 25 of the International Covenant on Civil and Political Rights, as well as the jurisprudence of the Committee with respect to violations of article 25 (a) of the Covenant.

violations (see also A/65/223, para. 44). Both the Special Rapporteur and the Special Representative on the situation of human rights defenders have emphasized that prompt and impartial investigations into alleged violations, prosecution of the perpetrators regardless of their status, provision of redress, including appropriate compensation to victims, and enforcement of the decisions or judgments are fundamental actions that must be taken in order to protect the right to an effective remedy. They have observed that failure to take these actions leads to further attacks against human rights defenders and further violations of their rights (see A/58/380, para. 73, and A/65/223, para. 44).

32. Transnational corporations and other business enterprises are required to respect human rights, as set out in the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex), which were endorsed by the Human Rights Council in its resolution 17/4. The Guiding Principles aim to implement the United Nations "Protect, Respect and Remedy" Framework, which rests on three pillars: the State duty to protect against human rights abuses by third parties, including businesses; the corporate responsibility to respect human rights; and the need for access to effective remedy for victims of business-related human rights abuses (see A/HRC/17/31, para. 6).

IV. Rights-based approach to development programming and its implications for the safe and effective participation of human rights defenders

33. The human rights-based approach to development policy and programming is based on the normative framework of international human rights standards and seeks to analyse inequalities that lie at the heart of the development process. It aims to redress discriminatory practices and the unfair distribution of power, which hamper sustainable human development.[5]

34. If applied in a meaningful way, the human rights-based approach to development programming establishes the mechanisms and conditions for rights holders affected by development projects to be able to safely and effectively claim their rights. At the same time, it ensures that duty bearers, notably the State, meet their international obligations and are held accountable.

35. Human rights obligations place binding limits on State powers and actions and make Governments responsible for complying with international commitments. States must exercise due diligence by respecting, protecting and fulfilling human rights. In the development context, States should take steps towards the progressive realization of human rights within the maximum available resources while refraining from committing human rights abuses and while protecting individuals within their jurisdiction against violations, including by third parties. The Committee on Economic, Social and Cultural Rights recognized that while it might be necessary to sometimes take retrogressive measures, namely measures that do not contribute to the progressive realization of human rights, doing so would need to be justified by reference to the totality of the rights provided for in the International

[5] Office of the United Nations High Commissioner for Human Rights, "Frequently asked questions on a human rights-based approach to development cooperation" (2006). Available from http://www.ohchr.org/Documents/Publications/FAQen.pdf.

Covenant on Economic, Social and Cultural Rights and in the context of the full use of the maximum available resources (see general comment No. 3, on article 2 (1) of the Covenant).

36. The human-rights based approach is guided by the principles of equality and non-discrimination, participation, transparency and accountability in all stages of policymaking, from assessment, project design and planning to implementation, monitoring and evaluation. In order to adequately incorporate the needs of human rights defenders in this approach, special emphasis should be placed on ensuring the safety and protection of those involved and on the availability and effectiveness of accountability and grievance mechanisms.

37. Rather than being perceived as demonstrating an opposition to development, the positions advocated and the activities undertaken by defenders and leaders of local communities affected by large-scale development projects should be seen as expressions of support for a sustainable model of development that is people-centred, non-discriminatory, participatory and transparent and that requires public authorities and others responsible for implementation to be held accountable for their actions.

A. Equality and non-discrimination

38. The principles of equality and non-discrimination are the foundations of international human rights and, as such, are enshrined in the International Covenant on Civil and Political Rights and in the International Covenant on Economic, Social and Cultural Rights. In line with both, all States parties have an obligation to guarantee that all rights are exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

39. Equality and non-discrimination imply that the human rights of communities and population groups affected by large-scale development projects should not be violated at any stage of the process. For the Special Rapporteur, this means that defenders working on behalf of or as part of populations affected by such projects should be fully and meaningfully involved in their design, implementation and evaluation. Particular attention has to be paid to those who traditionally have been marginalized and excluded from decision-making processes to ensure that their concerns are heard and that the impacts of such projects do not violate their rights.

40. Those responsible for large-scale development projects should pay particular attention to multiple grounds of discrimination, as the intersection of such grounds could lead to different and even more adverse effects among those affected by the projects (see general comment No. 20, on article 2 (2) of the International Covenant on Economic, Social and Cultural Rights). For example, women in a rural community are likely to experience the effects of such projects differently from men, and their economic and social status could aggravate this situation. Those defending women's rights face particular challenges and additional risks linked to the work that they do and the issues they face are challenging, which is why it is important that they be able to do their work without incurring retaliation of any sort.

41. Furthermore, those responsible for the project should make sure that those traditionally marginalized and excluded from decision-making are able to voice

their opinion and participate on their own terms in the process. At the outset, data collected during the assessment stage needs to be collected in such a way as to allow for it to be disaggregated by gender, income, social or other status, and other relevant factors.

42. The Special Rapporteur observes that Member States have adopted different approaches to ensure that the rights of those affected by large-scale development projects are respected. In Colombia, the National Hydrocarbons Agency is required by law to spell out in any contract it issues the methodology it will use to assess the impact of a project on affected populations and the way in which the project will benefit them (see decree No. 1760 of 26 June 2003). Prior consultation is also a right of marginalized populations in Colombia (see presidential decree No. 1 of 26 March 2010), but the Special Rapporteur notes that there appear to be different interpretations of what this right implies, which lead to discrepancies in the way in which it is applied. The Special Rapporteur is concerned about reports received from a number of countries alleging that community members and defenders of their rights who have made efforts to express their concerns about development projects affecting them have been met with excessive use of force and the issuance of states of emergency rather than dialogue.

43. The Special Rapporteur believes that the best way of ensuring that the principles of equality and non-discrimination are respected in the context of large-scale development projects is through the use of human rights impact assessments. Such assessments should be designed and conducted, on a regular basis, with due consideration being given to human rights and should ensure that the potential impacts of a project are investigated keeping in mind the potential existence of different grounds for discrimination. A human rights impact assessment would be based on an analysis of human rights obligations, not just of the impact of the project on trade or sustainability.[6] The Special Rapporteur strongly encourages the systematic use of human rights impact assessments, in line with the principles elaborated upon in the present report.

44. In this context, the Special Rapporteur notes that the Guiding Principles on Business and Human Rights require that companies identify and assess any actual or potential adverse human rights impacts through meaningful consultation with potentially affected groups, as an integral part of their responsibility to respect human rights. Such impact assessments should be carried out not only at the start of a new project or business relationship, but also periodically throughout the life cycle of the project, prior to any planned significant changes or if there is a significant shift in the operating context (for example, in the event of rising social tensions) (see Guiding Principle No. 18).

B. Participation

45. As already mentioned, participation in public affairs is a right recognized in various human rights instruments, including the Declaration on Human Rights Defenders. The Special Rapporteur emphasizes that besides being a right in itself,

[6] World Bank and the Nordic Trust Fund, *Human Rights Impact Assessments: A Review of the Literature, Differences with Other Forms of Assessments and Relevance for Development* (2013). Available from http://siteresources.worldbank.org/PROJECTS/Resources/40940-1331068268558/HRIA_Web.pdf.

participation is an obvious means of ensuring respect for other human rights, including the right to be treated equally and without discrimination. The principle of participation affords genuine ownership and a sense of control over the development process to those affected by the project or policy in question. It is important to ensure involvement at all phases (assessment and analysis, project design and planning, implementation, monitoring and evaluation).

46. Communities and those defending their rights should participate actively, freely and meaningfully in the process and be protected from retaliation and other violations at all stages. Ensuring such participation and protection is a responsibility of both State and non-State actors involved in large-scale development projects. Participation goes beyond mere consultation; it implies active involvement and empowerment of defenders and building their capacity to interact effectively with other stakeholders.

47. When it comes to ensuring that local communities affected by projects and those defending their rights have an opportunity to participate effectively from the early stages of the project, it is essential that those implementing projects acknowledge the existence of rights at the local level and the importance of protecting them. The use of "community protocols", by which communities outline their expectations to stakeholders, could be useful to this end.[7]

48. As mentioned above, in order to respect the principles of equality and non-discrimination, it is important to ensure that those affected are able to participate in the process on their own terms. Information conveyed about the project must be in the language or languages of the affected communities, and participation should be facilitated to allow the views of the affected communities to be effectively communicated, in a manner that takes into consideration the level of literacy and is culturally sensitive. In this context, human rights defenders working with local communities can play a crucial role in facilitating communication between them and those responsible for the policy or project and in conveying information in ways that are understandable to those affected. The Special Rapporteur is also aware of situations where national human rights institutions have assumed a similar role and strongly encourages their engagement in such processes where appropriate (see A/HRC/22/47, paras. 106-108).

49. The Special Rapporteur emphasizes the need to ensure the participation of those traditionally marginalized or excluded from decision-making processes. A central aspect in this regard is the need to build the capacity of such people to analyse issues affecting them and voice their opinion on those issues during the process. State and non-State actors responsible for the development and implementation of projects or policies should facilitate such involvement as a matter of priority. To this end, it could be useful to collaborate with non-governmental organizations and human rights defenders.

50. Those responsible for the implementation of large-scale development projects should be attentive to expressions of concern or discontent regarding participation and other related issues by local communities and human rights defenders. Such

[7] Global Witness, the Oakland Institute and the International Land Coalition (2012), *Dealing with Disclosure: Improving Transparency in Decision-making over Large-scale Land Acquisition, Allocations and Investments* (2012), p. 24. Available from www.globalwitness.org/sites/default/files/library/Dealing_with_disclosure_1.pdf.

expressions might take the form of protests, including in public spaces, which should be respected by non-State and, in particular, State actors responsible for law enforcement and protection during public assemblies.

51. In addition, the free, prior and informed consent of indigenous peoples must be obtained for any negotiation or consultation process on large-scale development projects to take place.[8] The concept of free, prior and informed consent has come about as a result of the recognition that indigenous peoples have strong cultural attachments to the territories they inhabit. The Special Rapporteur on the rights of indigenous peoples has emphasized the need for Governments to engage in consultations with indigenous peoples in good faith, with the objective of achieving consent (A/HRC/12/34, paras. 46-49). The Special Rapporteur on the situation of human rights defenders is concerned about cases reported to her in which free, prior and informed consent has not been sought, has been sought only to a limited extent or has been sought at the same time as coercion has been exerted on communities.

52. The Special Rapporteur is encouraged by the various initiatives that have come to her attention during the preparation of the present report to enhance the participation of stakeholders in large-scale development projects, notably those designed to benefit local communities. She has observed that more needs to be done, however, in terms of implementation and urges State and non-State actors to strengthen their efforts in this area. Moreover, she notes that the right of indigenous people to free, prior and informed consent is in many cases not respected because, despite being protected by law, it is not incorporated in the regulatory framework of business enterprises, which limits implementation considerably.

C. Protection

53. The Special Rapporteur has observed that when human rights defenders are involved in the implementation and monitoring of large-scale development projects they are exposed to serious risks, including to their physical integrity. Since 2007, the Special Rapporteur has considered about 100 cases dealing with defenders involved in monitoring the implementation of large-scale development projects, mostly related to the operations of extractive industries but also to land disputes. The operations of hydroelectric and energy-related industries have also created situations that have led to an intervention by the Special Rapporteur.

54. Brazil, Cambodia, Guatemala, Mexico, Peru and the Philippines have received the largest number of communications from the Special Rapporteur in this regard. Almost one third of the communications sent during the period under review relate to allegations of killings and attempted killings. In the opinion of the Special Rapporteur, this shows that the risks faced by human rights defenders working in the context of development projects are extremely serious. Very often, defenders receive threats, including death threats that are then followed by attacks. Moreover, defenders working on these issues are arrested and detained and their activities are criminalized, including when they are carried out in accordance with the exercise of fundamental rights, notably the right to freedom of peaceful assembly and the right to freedom of expression.

[8] United Nations Declaration on the Rights of Indigenous Peoples, articles 10, 11 (2), 19, 28 (1), 29 (2) and 32 (2).

55. Country visits undertaken by the Special Rapporteur since 2007 have shed light on the high risks faced by human rights defenders involved in large-scale development projects. When she visited Honduras in 2012, the Special Rapporteur expressed concern about the reports and testimonies she had received of violations and abuses committed against defenders working for the rights of indigenous and other local communities by law enforcement authorities, often in collusion with private security firms hired by the corporate sector. While recognizing the legitimate right of the Government to promote private investment, the Special Rapporteur expressed concern about the "state of fear" affecting defenders working on environment-related issues and opposing projects by private companies or the State, in particular in the construction of dams and in the mining and tourism sectors.

56. When the Special Rapporteur visited India in 2011, she pointed to the vulnerability of defenders engaged in denouncing development projects that threatened or destroyed the land, natural resources and the livelihoods of affected communities. Those defenders had been stigmatized and branded as being "anti-Government" or "sympathizers of Naxalites"; they had been arrested and ill-treated and, in some instances, killed. She specifically highlighted the killings of at least 10 individuals who had filed petitions under the Right to Information Act, denouncing violations connected to scams, illegal mining and illegal hydroelectric power operations.

57. The Special Rapporteur on the rights of indigenous peoples has dedicated three reports (A/HRC/18/35, A/HRC/21/47 and A/HRC/24/41) to the impact of extractive industries on indigenous territories where mining, forestry, oil and natural gas extraction and hydroelectric projects have affected the lives of indigenous communities. The Special Rapporteur underlined reports of an escalation of violence by Governments and private security forces as a consequence of extractive operations in indigenous territories, especially against indigenous leaders, and of a general repression of human rights in situations where entire communities had voiced their opposition to extractive operations (A/HRC/18/35, para. 38). He pointed to a lack of operative consensus about the extent and means of realization of the State's duties with regard to resource extraction and development projects and a lack of a minimum common ground for understanding the key issues by all actors concerned (A/HRC/18/35, paras. 62 and 66).

58. Against this background, the Special Rapporteur on the situation of human rights defenders wishes to emphasize the obligation of States to provide protection to those claiming their legitimate right to participate in decision-making processes and voicing their opposition to large-scale development projects, as well as those defending the rights of local communities in this context. Article 3 of the Universal Declaration of Human Rights, articles 6 (1) and 9 (1) of the International Covenant on Civil and Political Rights and article 12 (2) of the Declaration on Human Rights Defenders enshrine the right to be protected, which places duties on the State that are relevant the scope of this report. It is of utmost importance that those who participate in processes relating to large-scale development projects, including assessments, project design, implementation, monitoring and evaluation, can do so without fear of retaliation or persecution from State and non-State actors alike. Furthermore, if those affected by large-scale development projects choose to express themselves outside of the process organized by those responsible for such a project, for example through public assemblies, print publications or social media, such

activities should be facilitated and those involved should be protected from threats or retaliation.

59. As the Special Rapporteur has argued in her 2011 and 2012 reports, law enforcement officials need to be properly trained in order to apply a proportionate use of force and provide protection to peaceful protesters during assemblies (A/66/203, paras. 21-27, and A/67/292, para. 22). In cases of threats made against human rights defenders, the State is required under articles 2 and 12 (2) of the Declaration on Human Rights Defenders to implement protection measures. The Special Rapporteur has also emphasized on previous occasions that such measures need to be designed and implemented in close cooperation with those they are intended to protect, whether they are organized on an ad hoc basis or form part of a broader protection programme (A/HRC/13/22, paras. 68-91). In the context of large-scale development projects, the Special Rapporteur recommends making the protection of those affected by such projects and those acting on their behalf an integral part of an overall strategy, in order to ensure that those affected can effectively participate in the process without fear of retaliation. The Special Rapporteur notes that ensuring the effective participation of rights holders in projects can contribute significantly to defusing tensions among duty bearers and that defusing tensions would constitute a first step towards enhancing the protection of rights holders.

60. Private companies that are involved in large-scale development projects and that employ private security forces, as is often the case in the context of large-scale infrastructure and extractives projects, should assess, in consultation with the affected communities, the potential risks of employing such forces. Furthermore, they should ensure that private security forces receive adequate training on human rights, including with respect to the role and rights of defenders, and have in place mechanisms for reporting and investigating any allegations of abuse. Companies employing private security forces should consider abiding by initiatives such as the Voluntary Principles on Security and Human Rights and the International Code of Conduct for Private Security Service Providers. They may also need to assess potential risks from security provided by State security forces. Some companies have conducted human rights training with State security forces in order to reduce the risk of resorting to the disproportionate use of force.

D. Transparency and access to information

61. The principle of transparency relates to the availability and accessibility of relevant information. Access to information is a right enshrined in article 19 (2) of the International Covenant on Civil and Political Rights. It is essential for the ability of rights holders to understand how their rights will be affected, how to claim rights that could be undermined by a large-scale development project and how to ensure the accountability of stakeholders and duty bearers. Human rights defenders are directly affected by this dimension of development projects and play a key role in communicating the relevant aims of the projects and in building trust among affected communities. In order to carry out these functions effectively, they need to be able to access relevant information about the project.

62. Article 6 (a) of the Declaration on Human Rights Defenders recognizes the right to actively seek information and obtain access to it, which places certain

obligations on States to make relevant information available. The Special Rapporteur has previously indicated what standards should be applied in this regard (see A/67/292, paras. 51-55). Article 6 (a) of the Declaration also enshrines the right of defenders to receive and hold information, which is essential to their monitoring and documentation activities. Information relating to large-scale development projects should be publically available and accessible. In order for such information to be available to those affected by a given project, it needs to be provided in the appropriate languages and through the appropriate media.

63. With regard to private enterprises, the Guiding Principles on Business and Human Rights provide that in order to account for how they address their human rights impacts, companies should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of stakeholders. Such communications should be of a form and frequency that reflect the impacts and is accessible to the intended audience and should provide sufficient information to evaluate the adequacy of the company's response to the particular impact involved (see Guiding Principle No. 21).

64. When there is information about the project that needs to be kept confidential, the decision not to disclose such information should be based on established criteria spelled out in the project concept or, in the case of a Government, in law. The Special Rapporteur finds the principle of maximum disclosure to correspond most closely with international standards and that that principle should apply to any access-to-information regime, including in connection to large-scale development projects that could have an impact on matters of public interest. Exceptions to this principle should be applied only when disclosing information would harm the interests of the State, as provided for in legislation compliant with international human rights law (A/67/292, paras. 51-55, and Human Rights Council resolution 22/6, para. 11 (e)).

65. In the context of large-scale development projects, timely disclosure of information about project conceptualization and preparation, including contracts and subcontracts, documents with information about parties involved, financing frameworks, terms and conditions, impact assessments and mitigation strategies should be made available to the extent possible. The Extractive Industries Transparency Initiative, a multi-stakeholder voluntary mechanism that aims to increase the transparency of natural resource revenues by developing standardized reporting requirements for companies and Governments, has made a significant, positive contribution to increasing transparency in this sector. The initiative also offers relevant lessons learned regarding the difficulties and, at times, the unwillingness of Governments and private companies to disclose such information.

66. In this connection, anyone who in good faith discloses information on large-scale development projects that they think is of public interest should be protected against retaliation. The necessary legal, institutional and administrative framework needs to be in place to ensure the integrity and protection of whistle-blowers in connection to development projects in order to guarantee their right to seek and disseminate information and also the right of the public to receive relevant information about the human rights situation in a particular context or country.

67. The principle of transparency should not be applied only to the technical aspects of accessibility and availability. It should be recognized that the process of requesting access to information can be very complex, and that both local

communities and those working to defend their rights might have difficulties in obtaining such information if they lack the technical knowledge about the issues at stake. States and other actors involved should do their utmost to assist stakeholders in obtaining such information. This is an area where the assistance of national and international non-governmental organizations with expertise in the issues at stake could also provide much-needed support to local communities. Capacity-building for defenders and those affected by development projects is therefore a crucial aspect of every project and should be provided for when planning and implementing such projects and when monitoring their impact.

68. Lack of information and transparency and opaque decision-making are not only major flaws in the implementation of large-scale development projects. They can also lead to the disempowerment and vulnerability of defenders and affected communities, and seriously undermine the credibility and legitimacy of both State and non-State actors involved in the projects.

69. The Special Rapporteur is dismayed by the reports she has received during the preparation of the present report indicating that relevant information is seldom made available to human rights defenders and local communities who request it. The Special Rapporteur observes that defenders and those affected respond by approaching private companies directly, because they find the assistance of the State inadequate or non-existent.

E. Accountability mechanisms and redress

70. The principle of accountability requires all stakeholders, especially those considered to be duty bearers, to be responsible for specific outcomes and actions, in accordance with their obligations under the standards, laws, rules and regulations that govern their work. To this end, mechanisms must be in place for rights-holders to communicate their grievances, claim responsibilities and obtain effective redress if violations occur, without fear of intimidation of any sort. In this context, the Special Rapporteur notes with dismay that the Working Group on the issue of human rights and transnational corporations and other business enterprises, in its 2013 report to the Human Rights Council, reported having received grave allegations of harassment, persecution and retaliation against human rights defenders seeking judicial remedy for business-related violations (A/HRC/23/32, para. 47).

71. Traditional ways of ensuring accountability are channelled through the justice system. However, in some instances, State-based judicial structures do not operate in a timely or effective manner and therefore are not ideal avenues for upholding the rights of communities affected by large-scale development projects and those defending such rights. This situation can arise from the considerable time it takes for a case to pass through the courts and from the expense that such a process implies for those affected, to name but two reasons. Such constraints can create important accountability deficits and contribute to a climate of impunity that can expose affected communities and those defending their rights to acts of intimidation, even attacks. The existence of other accountability mechanisms, whether State-based administrative institutions (e.g. national human rights institutions and ombudspersons), grievance mechanisms attached to multi-stakeholder initiatives or independent oversight mechanisms, is therefore crucial in the context of large-scale

development projects. The role of national human rights institutions as non-judicial, independent mechanisms can be very important in ensuring appropriate accountability and redress for human rights violations linked to the implementation of large-scale development projects.

72. Private enterprises, as well as State donors and private donors, can also contribute to accountability, for example by establishing mechanisms, either by themselves or in cooperation with other stakeholders. All non-judicial grievance mechanisms, whether State- or non-State-based, should be legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning and, in the case of company- or project-level mechanisms, based on dialogue and engagement (see Guiding Principle No. 31 of the Guiding Principles on Business and Human Rights).

73. Affected communities and defenders of their rights should have information about how and to whom to submit a complaint, as well as on the established timeline and stages for processing their complaint. Locally, village-level forums can make it easier to register questions and concerns and immediately obtain answers to questions regarding a large-scale project.[9] It is particularly important to ensure that such mechanisms are available to those most at risk of violations, as in many cases they are also among the most marginalized of those affected and hence have few means of accessing such mechanisms. Human rights defenders can play a crucial role in facilitating access to accountability mechanisms for affected communities, including those most marginalized.

74. The option of integrating human rights safeguard policies supported by accessible and effective accountability mechanisms into development projects can complement and even reinforce existing formal structures. These mechanisms, which can be administered by the business sector, alone or with stakeholders, by an industry association or by a multi-stakeholder group, should comply with the criteria for effectiveness and responsiveness set out in the Guiding Principles on Business and Human Rights (see, in particular, Guiding Principle No. 31). These mechanisms should never be used to preclude access to judicial remedy. However, when implemented effectively, they can enable the early identification and resolution of issues that have an adverse impact on human rights, and can enable project actors to address systemic issues that contribute to human rights violations.

75. Grievance mechanisms can also be implemented in the home countries of international corporations and in donor countries. The example of the national contact points for the Guidelines for Multinational Enterprises of the Organization for Economic Cooperation and Development was highlighted to the Special Rapporteur by various stakeholders during the preparation of the present report as being an important mechanism in a number of countries. The Inspection Panel of the World Bank was also mentioned as a viable mechanism for individuals who believe that their rights have been infringed upon as a result of the implementation of World Bank-funded projects. Mention was also made of the Compliance Advisor/Ombudsman, the grievance mechanism for those affected by projects financed by the International Finance Corporation and the Multilateral Investment Guarantee Agency.

[9] Bridges Across Borders Cambodia/Equitable Cambodia and Heinrich Böll Stiftung Cambodia, "A Human Rights Approach to Development of Cambodia's Land Sector" (2012). Available from www.boell.de/downloads/201209_A_Human_Rights_Approach.pdf.

76. It should be safe for those who wish to report human rights concerns and violations to access existing accountability and grievance mechanisms; these people should not suffer any acts of violence or retaliation for having engaged with these mechanisms. The necessary confidentiality procedures, early-warning systems, risk assessment protocols and protection measures should be built into the accountability mechanisms so that they can react promptly and offer effective protection to alleged victims of human rights violations or those reporting on their behalf.

V. Conclusions and recommendations

A. Conclusions

77. **Communities and those defending their rights play a crucial role in shaping development policies and projects that are people-centred and non-discriminatory by impeding economic and political elites to monopolize the development of such policies and projects. Human rights defenders are key for ensuring the effective implementation of a human rights-based approach to development, as outlined above, which is why they should be able to carry out their activities without fear of intimidation or harassment of any sort. This is particularly relevant in the context of the discussion on the post-2015 development agenda. Civil society is calling for meaningful participation, higher levels of accountability from Governments and international institutions and the protection of human rights under the rule of law.**[10]

78. **Human rights defenders are at the heart of the development process and can be key actors in ensuring that development is inclusive, fair and beneficial for all and that dialogue is used to reinforce social cohesion and pre-empt conflict and the radicalization of positions. Defenders can play a crucial role as members of teams conducting human rights impact assessments, formal multi-stakeholders oversight mechanisms and mediation and grievance mechanisms and as independent watchdogs monitoring the implementation of large-scale development projects.**

79. **In order for defenders to play such a role, State and non-State actors responsible for large-scale development projects need to engage with stakeholders, including affected communities and those defending their human rights, in good faith. A human rights-based approach to development requires this; if stakeholders are not engaged in good faith, the process remains a formality and an opportunity will be lost in terms of improving relations and defusing tensions among stakeholders and ensuring sustainable and people-centred development, as well as in terms of the sustainability of the project itself.**

[10] United Nations system task team on the post-2015 United Nations development agenda, "Towards freedom from fear and want: human rights in the post-2015 agenda" (May 2012). Available from www.un.org/millenniumgoals/pdf/Think%20Pieces/9_human_rights.pdf.

B. Recommendations

80. **In the light of the conclusions set out above, the Special Rapporteur wishes to make the following recommendations to the various stakeholders.**

81. **States should:**

(a) **Enshrine a human rights-based approach to development in relevant legislation and administrative regulations, ensuring that contracts, permits, certificates and other documentation required for large-scale development projects to go ahead, to include the elements mentioned in section IV above, most notably participation of affected communities and those defending their rights in decision-making related to such projects;**

(b) **Oblige those responsible for large-scale development projects to carry out human rights impact assessments and human rights due diligence on an ongoing basis;**

(c) **Consider the substantive incorporation of a human rights-based approach in national development plans and the effective implementation of the human rights aspects of such plans;**

(d) **Refrain from stigmatizing communities affected by large-scale development projects and those defending their rights, and recognize that their concerns are legitimate and necessary components in a process aimed at securing sustainable human development;**

(e) **Ensure that the rights to freedom of expression, association and peaceful assembly are respected by allowing those affected by large-scale development projects to express concern and discontent, and ensure in this context that those protesting are protected from violations, notably by ensuring that law enforcement officials are properly equipped and trained to apply proportionate use of force if needed;**

(f) **Engage with all stakeholders in large-scale development projects, especially communities affected and individuals defending their rights, in good faith, not just as a formality;**

(g) **In collaboration with non-governmental organizations and human rights defenders, make every effort to strengthen the capacity of those traditionally marginalized or excluded from decision-making to actively and meaningfully participate in decision-making processes that affect them;**

(h) **Recognize the protection needs of those engaging in development processes and provide protection accordingly, in close consultation with those in need of protection;**

(i) **Consider enshrining in law clear provisions for access to information that facilitate maximum disclosure and allow exceptions to the principle of maximum disclosure only in clearly defined and limited circumstances, in compliance with international standards on the right to access to information;**

(j) **In a similar vein, provide for similar regulations with regard to access to information in contracts, permits, certificates and other documentation required for large-scale development projects to go ahead;**

(k) **Facilitate and assist communities affected by large-scale development projects and those defending their rights in obtaining information regarding a given project, as the complexity of the information might make it difficult to find;**

(l) **Ensure that information communicated to communities affected and those defending their rights is conveyed in a manner that is understandable to them and is culturally sensitive, through appropriate media and in a language they understand;**

(m) **Enshrine the protection of whistle-blowers in law and in practice;**

(n) **In the case of indigenous peoples affected by large-scale development projects, recognize their right to free, prior and informed consent where this has not already been done, incorporate that right in the regulatory framework for large-scale development projects and implement it effectively;**

(o) **Ensure that various types of accountability mechanisms are available to those who feel that their rights have been infringed upon in the context of large-scale development projects, including judicial and administrative mechanisms that are well resourced, impartial, effective, protected against corruption and free from political and other types of influence;**

(p) **Where appropriate, consider facilitating the creation of multi-stakeholder initiatives and independent oversight mechanisms in addition to State-based accountability mechanisms;**

(q) **Ensure that State-based accountability mechanisms respect standards for confidentiality and have an early warning system in case of threats or other violations against those who have filed or are considering filing a petition, with proper risk assessment and protection measures available;**

(r) **Empower national human rights institutions to deal with complaints relating to large-scale development projects.**

82. **In the context of the post-2015 development agenda, States should:**

(a) **Ensure that the post-2015 development agenda is guided by internationally agreed human rights principles and standards, both during its development and its implementation, and that it ensures the active and meaningful participation of affected communities and individuals advocating their rights in the implementation of all development goals, and strengthen their capacity to do so;**

(b) **Recognize the important role of human rights defenders in developing and implementing the post-2015 development agenda in the outcome document, and also recognize the right of defenders to participate in such processes, monitor progress, hold those responsible to account at the national and local levels and be protected from violations in this context.**

83. **Private companies should:**

(a) **Exert human rights due diligence in all operations;**

(b) **Adopt a policy commitment to respect all human rights that is approved at the highest levels of the organization, and perform ongoing human rights impact assessments in a meaningful way and in every project, with the**

full participation of potentially affected communities, those defending their rights and, especially, those traditionally marginalized or excluded from decision-making;

(c) Fully involve stakeholders, especially affected communities and those defending their rights, in all stages of large-scale developments projects, and engage with such stakeholders in good faith and in a meaningful way, not just as a formality;

(d) Be attentive to displays of concern and discontent that take place outside the processes facilitated by the company, for example public assemblies, and refrain from stigmatizing those expressing themselves in such a way;

(e) Ensure that they, as well as security companies and other subcontractors, respect human rights defenders and do not harass or perpetrate violence against them and that those employing private security forces consider joining initiatives such as the Voluntary Principles on Security and Human Rights and the International Code of Conduct for Private Security Service Providers;

(f) Assess any security issues in close cooperation with human rights defenders and communities affected by large-scale development projects;

(g) Disclose information related to large-scale development projects in a proactive and timely manner and in a way that is understandable and accessible to the affected stakeholders, and have clear and publicly communicated provisions for when information can be withheld from publication;

(h) Engage in initiatives, notably the Extractive Industries Transparency Initiative and the United Nations Global Compact, aimed at increasing the transparency of corporations;

(i) Establish accountability mechanisms, including project- or company-level grievance mechanisms, that are legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning and based on dialogue and engagement (see Guiding Principle No. 31 of the Guiding Principles on Business and Human Rights);

(j) Cooperate fully with State-based and other accountability mechanisms.

84. Donors and investors should:

(a) Fully integrate a human rights-based approach in their policies for allocating funds to projects, especially large-scale development projects;

(b) In the same vein, make human rights impact assessments a requirement for obtaining funding, and ensure the inclusion of proper mitigation strategies (including for setting up project- or company-level accountability and grievance mechanisms) and realistic assessments of whether a project can be implemented without causing an adverse impact on the human rights of those affected, recognizing that such an impact is unacceptable and should not be funded;

(c) **Pay close attention to protection assessments for those participating in and affected by large-scale development projects;**

(d) **Proactively disclose information about projects they support;**

(e) **If they are private and institutional donors and investors, have accountability mechanisms in place for those adversely affected by projects or who feel their rights have been violated as a result of a project, and ensure that such mechanisms respect standards for confidentiality, have an early warning system in case of threats or other violations against those who have filed or are considering filing a petition, with proper risk assessment and protection measures available;**

(f) **If they are State donors, ensure that accountability issues are also addressed in their home countries, notably by ensuring that the national contact point of the Organization for Economic Cooperation and Development receives adequate resources and is properly equipped to deal with complaints;**

(g) **Cooperate with State-based and other accountability mechanisms when approached by them;**

(h) **Coordinate with other donors through relevant forums to ensure the implementation of human rights-based approaches;**

(i) **Allocate funds to capacity-building for those affected by large-scale development projects and those defending their rights;**

(j) **Exert political pressure on those responsible for large-scale development projects, when needed and appropriate, to ensure compliance with international human rights standards.**

85. **Human rights defenders should:**

(a) **Engage constructively in processes relating to large-scale development projects;**

(b) **Pay close attention to the needs and views of local communities, and ensure participation of those traditionally marginalized or excluded from decision-making.**

86. **United Nations agencies should:**

(a) **Ensure that a human rights impact assessment is conducted for every project undertaken, and pay specific attention to the participation and protection needs of affected communities and those defending their rights;**

(b) **Support accountability mechanisms, whether initiated by States or other stakeholders.**